

Great Britain. Lords & Commons, H. of C. Gal. 11. C. F. 1783.

N A R R A T I V E
OF ALL THE
PROCEEDINGS AND DEBATES
IN BOTH
HOUSES OF PARLIAMENT
ON
E A S T - I N D I A A F F A I R S ,
IN THE PRESENT SESSION,
AND PARTICULARLY ON THE
B I L L
OF THE
R I G H T H O N . W I L L I A M P I T T ,
FOR THE
Better Regulation and Management of the Affairs of the EAST-
INDIA COMPANY, and of the BRITISH POSSESSIONS IN
INDIA; and for establishing a COURT of JUDICATURE
for the more speedy and effectual Trial of Persons
accused of Offences committed in the
E A S T I N D I E S .

TO WHICH IS ADDED
A CORRECT COPY OF THE BILL,
WITH THE AMENDMENTS;
An authentic Copy of the TREATY of PEACE with the
Nabob TIPPOO SULTAUN;
And an authentic Copy of the LORDS' PROTEST on the
EAST-INDIA BILL.

L O N D O N :
PRINTED FOR S. BLADON, PATER-NOSTER ROW. 02
M.DCC.LXXXIV.

M A R K A T I V E

OF THE

PROCEEDINGS OF THE

HOUSE OF COMMONS

IN THE YEAR 1840



A COPY OF THE

PROCEEDINGS OF THE

HOUSE OF COMMONS

1840

PRINTED BY

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P R O C E E D I N G S A N D D E B A T E S
I N T H E
H O U S E O F C O M M O N S
O N
M R . P I T T ' s E A S T - I N D I A B I L L .

June 16, 1784.

MR. *Francis* rose to move for certain papers necessary, as he said, for the information of the House, on a subject which must shortly come before them, viz. the state of the East-India Company's affairs.— That he had in his hands a Report of the Court of Directors, dated 31st of May, 1784, and printed for the use of the Members, in which he saw important facts asserted, and very interesting conclusions stated, but no evidence produced in support of the former, nor any of the materials or premises from which the

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conclusions were deduced. That there was not a single voucher or document annexed to the Report : that his idea of the state of the Company's affairs differed materially from that which the Report was calculated to convey ; but that he did not mean at present to enter into that question, or to controvert any of the facts or propositions stated in the Report ; that his intention in calling for papers, was to substantiate the Report by the evidence which necessarily belonged to it, and which ought to have been annexed to it. He then desired leave to read the titles of the several papers, and explain the particular reason for calling for each of them as he went on.

The first motion was, for copies or extracts of any advices received from Bengal, by which it appeared, " That peace would very soon be made with Tippoo Sultan, and be thereby completely established over all India."

That this motion was stated in the same terms used by the Court of Directors, and he hoped that their intelligence was well founded : but that he had letters from Bengal of a later date than those referred to by the Directors, that is, later than the 25th of November, 1783, which gave him very different information ; and that he had seen gentlemen who had left Calutta since that time, who assured him, that peace with Tippoo Sultan was by no means at a certainty, and that an opposite opinion prevailed in Calcutta when they left it. That, without disputing the truth of the fact, he thought the House ought to see on what evidence so important a fact was asserted.

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The second motion was for the copy of an estimate of the receipts and payments of the Government of Bengal, between the 30th of April, 1783, and the 1st of May, 1784. That, of all the papers sent home annually, this was the most material and necessary for shewing the real state of the Government of Bengal; and he was much surprised at not finding it annexed to the Report, since no man could possibly judge of the reliance to be placed on such a paper, or what final conclusion was to be deduced from it, unless he had the paper before him, and time to examine the several articles of debit and credit on both sides of the account. That not only the importance of the paper in itself, but the description given of it by the Directors, had excited his attention, and not without some mixture of uneasiness and alarm. That Indian estimates in general, he well knew, were a good deal at the command of those who made them; who certainly might sink their estimated disbursements, and swell their estimated receipts in such a way, as to exhibit a tolerable view of their affairs, and at least to make one side balance the other. That notwithstanding this liberty, which he did not doubt had been used as far as it would go, the Court of Directors said, that the balance against the estimate of the single year 1783-4, amounted to fifty-six lacks of rupees, or, to use their own extraordinary expression, *only* fifty-six lacks. That this sum, which they had not expressed in pounds sterling, as they had done every other sum throughout the whole Report, was equal to seven hundred thousand

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pounds, if they meant Sicca rupees ; and what was more extraordinary, that the ways and means of the year fell short of the services to the amount of this great balance, notwithstanding some new and unexpected aids on the credit side. Mr. Francis then stated a very important fact to the House, which he left to their own reflections : that in an estimate of annual expences and disbursements sent home by himself in 1776, after all services whatever were liberally provided for, there remained an available surplus at the absolute disposal of the Court of Directors, for the provision of an investment, or in whatever manner they thought fit, to the amount of a hundred and thirty lacks of current rupees, or 1,462,500l. without reckoning any thing that might be gained by the monopoly of salt, which was totally left out of the estimate of 1776. From these facts it appeared, that either the ways and means of 1784 had fallen short, or the services had exceeded those of 1776 to nearly the amount of two millions two hundred thousand pounds ; and that so alarming an alteration, whether in the resources, or in the expences of the Bengal government, demanded the instant attention of Parliament.

The two next papers moved for by Mr. Francis were the last accounts of receipts and disbursements received from Bengal, Fort St. George, and Bombay, in order that the House might see what the actual state of the finances of those governments respectively were.

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The fifth paper moved for was an extract of the last advices from Bengal, relative to orders issued by that government for opening the treasury of Fort William for the receipt of money to an indefinite amount, for bills to be drawn on the Court of Directors. That private letters, on which he depended, informed him, that such a measure had taken place about the end of November, or beginning of December last; and that he apprehended the Court of Directors were not apprised of this circumstance when they closed their last printed report.

The sixth and seventh papers moved for by Mr. Francis, were copies or extracts of the latest advices from Bengal, particularly the letters of Mr. John Bristow, relative to the state and circumstances of the Nabob of Owd's country, and his ability to discharge the debts said to be due from him to the India Company; and of the latest advices from Fort St. George, respecting the countries subject to the Nabob of Arcot, and to the Rajah of Tanjore, the Renters of Lands at Madras, and the Zemindars of the Northern Sircars, and their respective ability to pay the large debts with which they were charged in the Report. That the Directors had declared, that their bonded debt in India amounted to 4,575,798*l*. which Mr. Francis said, he believed was far short of the real amount of their debts in India, if all the arrears and demands, for which no bonds were given, had been taken into the account, as they ought to be; but that, by way of consolation to Parliament, the Directors had brought forward certain debts, said
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to be due to the Company from the Princes and Zemindars above mentioned, to the amount of 2,282,394*l.* a considerable part of which they themselves supposed to be bad ; and the whole of which, Mr. Francis believed, might have been safely and truly described in the same terms. That he was well assured, that the Princes from whom these debts were to be recovered, were all insolvent, and their country in the last state of depopulation, decay and ruin ; but that, since the Directors professed to place a reliance on these resources, the House ought to know whether such reliance had a reasonable foundation or not. Mr. Francis concluded with observing, that his inclination and duty led him to give the India Company relief, if their affairs were in a recoverable situation, and if it were in the power of Parliament to give such assistance as would be effectual ; that although he owed no gratitude either to the Court of Directors, or to the Court of Proprietors, he was bound by the strongest ties of attachment to the body of the East-India Company, in whose service he had acquired his fortune : but that their best friends could not serve them without knowing what their situation precisely was, and whether their distresses could be completely removed ; and that to obtain this necessary information was his object in moving the several papers above mentioned.

Major *Scott* seconded the motion, professing it to be his desire, that every explanation of the real state of affairs in India should be freely given. With respect to the peace with Tippoo Sultan, he recommended
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it to the honourable member to extend his motion to the last advices received from Bombay, as he understood that they contained later accounts of the negotiation with Tippoo, than any that could have been received from Bengal.

Mr. Chancellor *Pitt* objected to the motion, and said, that he was much surprised that a gentleman who professed such great knowledge, and had had so much experience in the Company's affairs, should think of calling for papers, the divulging of which might materially affect the negotiation of peace in India, and possibly be attended with great inconveniencies; that as to the other papers moved for, he thought them absolutely superfluous and unnecessary. That if they were wanted, they would undoubtedly be called for by the Committee of the House then sitting on India affairs, whose report might be expected in a few days; and that it would be giving the India House double and needless trouble, to call for duplicates of the same papers. He said, the motion was improper and premature, and hoped the House would not be prejudiced by any thing they had heard, but consider the Company's affairs exactly as if nothing had passed this day on the subject.

Mr. *Dundas* agreed with Mr. *Pitt*; and said, that he had stated the same objections to the honourable member, when he had privately shewn him the motions before they were made; and that, at all events, he recommended it to the honourable member to withdraw the motions, and to wait for the report of the Committee; and then, if he found that the papers

pers he wanted were not produced, he would be at liberty to move for them in the House.

Mr. *Francis* rose a second time, and said, he found he had three objections to answer.—As to the first made by the honourable member who seconded the first motion, he said that he could not properly and regularly extend it to the advices that might have been received from Bombay, though he thought that all such advices, if they existed, ought to be laid before the House;—that it would break in upon his plan, which was to confine himself strictly to the printed Report of the Court of Directors, dated 31st of May, and to call for no other papers but what were mentioned or referred to in their Report, in order to substantiate the assertions contained therein. That the second objection, urged by the Chancellor of the Exchequer, appeared to him perfectly groundless; as he could not conceive how it was possible, that the present production of advices from Bengal, dated in November 1783, could affect the negotiation or conclusion of a peace with Tippoo Sultan, especially as the Directors declared, that there was no ground to doubt that that peace would have been concluded in India seven or eight months ago, and the production of the papers here could not be known in India until eight or nine months hence. That if it was the sense of the House, that the motions for the papers in question had better be delayed until the Committee had made their report, he was content to suspend them until that time; but he conceived that he had not been irregular in calling for them now,
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notwithstanding the sitting of the Committee on the same business. That he found on the table a Report made by the Directors for the information of the House at large, and ordered to be printed for the use of the members: that this Report was essentially defective, having no documents or vouchers whatever annexed to it: his motions, therefore, had no tendency to invade the province or business of the Committee, or to anticipate their conclusions. They were calculated solely and specifically to make that information perfect and compleat, which had been given to the House in a partial, imperfect manner. That it was very true, that the learned gentleman (Mr. Dundas) had, at first, made objections to the motions, similar to those urged by the Chancellor of the Exchequer; but it was equally true, that afterwards, having consulted a Director who sat behind him (Mr. Atkinson) and Major Scott; those three gentlemen had read the motions over, and that the learned gentleman had thereupon waved his objections, and agreed, that the motions might be made; he was, therefore, much surprised, after taking this precaution, to find an opposition from that quarter; that, however, he was ready to withdraw the motions for the present, reserving to himself the right of bringing them forward a second time, if the expected Report from the Committee did not contain that specific information which he meant to obtain for the House; and then he flattered himself he should be favoured with the learned gentleman's concurrence.

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Mr. *Burke* observed, that the objection made by the Chancellor of the Exchequer was exactly such a one as he expected from that gentleman, sonorous, feeble, and frivolous; or, if applicable to the present, equally so to any motion that could ever be made for obtaining information by the production of papers. That no papers could ever be produced, if the bare possibility of its being attended with inconvenience, were a sufficient reason for refusing them. That Mr. Dundas, when he was Chairman of the Secret Committee, had made no scruple of printing and publishing a multitude of secret dispatches from India, relative to the most secret transactions of the war then existing, and that too *pendente lite*, in the midst of the very operations to which the papers related. But now it seems, when the Directors told us that they had no doubt of a peace having been concluded six months ago in India, we were not to call for the evidence on which that information was founded, because there was a bare possibility that the production of those papers might be attended with some inconvenience. Mr. *Burke* earnestly conjured the House to be very cautious how they consented to give away the property of their constituents, for the temporary support of a trading Company, whose affairs, he was perfectly sure, would be found, on examination, so compleatly and irretrievably ruined, as to be beyond the reach of any effectual relief; that they had no right to dispose of the public money for any but a public purpose; and that by giving it to the India Company, they could only
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protract the period, but could not, by any efforts this nation could make, prevent the ruin of the Company.

Major *Scott* rose again to explain the estimate alluded to by Mr. Francis, observing, that if the idea given of it by that gentleman were to get abroad, it would lower the Stocks five or six per cent.; whereas, when that estimate came to be fairly examined, and rightly understood, it would be found to exhibit a very favourable view of the Company's affairs; that it was charged with, and that it provided for, all the arrears and windings-up of the war; and that, therefore, it was not fair to say, that the balance of fifty-six lacks, which certainly did appear on the face of the estimate, was an annual exceeding of the disbursements beyond the receipts. — In effect, it was an accumulation of exceedings of several years brought into the estimate of one year.

Motions withdrawn.

June 22.

Mr. *Eden* brought up a report to the House from the Select Committee appointed to inquire into the state of East-India affairs. — On the motion of Mr. Chancellor Pitt, it was ordered to be printed.

June 24.

Mr. Chancellor *Pitt* begged leave to direct the attention of the House to an important part of the business of the East-India Company; a state of the

Company's finances had been laid before the House, and referred to a Committee, whose Report was now printing for the use of members: until gentlemen should have had time to consider that report attentively, he did not mean to bring any question before them relative to the Company; but a circumstance which had come to his knowledge this day, made it necessary for him to make a motion this day, to which, however, he did not expect any opposition. By a late Act of Parliament the Company are restrained, when their bond debt exceeds a certain sum, which it does at present, from making any dividend at all, without the leave of Parliament; now he understood this day, that if any dividend is made, it must be declared before the end of the present month: gentlemen would see, therefore, the necessity of passing a bill with all possible expedition, to give the Company leave to make a dividend; for though, perhaps, some gentlemen might differ as to the *quantum* of the dividend, no man could wish that there should be no dividend at all: for his part, considering that the credit of the Company, and perhaps of something more than the Company, was at stake, he, for one, would be for making that dividend eight per cent. for the half year now due, however it might be the intention of the House to reduce it in future. He then moved for leave to bring in a bill for enabling the East-India Company to make a dividend for this last half year.

Mr. *Eden* felt the awkwardness of the present circumstances of the case; for one of these two things must

must happen; that no dividend at all must be made, or that the House should proceed, without having before them the state of the Company's affairs, to settle the *quantum* of a dividend; if the occasion was not so pressing, the delay of a few days would give gentlemen time to peruse the Report of the Committee, to whom the accounts presented by the Court of Directors had been referred. As to the idea of allowing eight per cent. in the present state of the Company's affairs, he thought it unreasonable to the last degree; for it was strange indeed, that the proprietors should, in the most embarrassed state of their affairs, divide as much as in a moment of prosperity. For his own part, he had been of opinion for some time past, that even six per cent. was a stretch; but as he knew there were a number of proprietors totally unconnected with party, and of moderate fortunes, he would not punish them for the faults of others; and therefore he was willing to allow six per cent.; but he could not consent to stretch the dividend to eight.

Mr. Chancellor *Pitt*, in reply, expressed a wish that the right honourable gentleman would not urge this discussion farther in the present stage of the bill; it would of course be tendered to the House with a blank for the proposed sum: and he certainly felt disposed, until the affairs of the Company could be considered, to give the ordinary dividend, as he might otherwise seem to prejudge opinions on the affairs of the Company, and to strike at public credit.

Mr.

Mr. *Eden* observed, in explanation, that what had fallen from the right honourable gentleman and from himself might mislead both the House and the public, if he did not apprise them that eight per cent. was by no means the ordinary dividend, or to be considered as a claim of justice : — the reverse was the fact. — In times confessedly prosperous, the Company had often divided only six per cent. During the last twenty years he believed that their dividend had been oftner six per cent. than any other sum : And though it might be the disposition of the moment for the public to shut their eyes on this subject, the day would come when there would not be two opinions in the kingdom as to the improvidence, injustice and impropriety of what was now proposed. It might be a small sum, but it was subversive of the most sacred public principles.

Mr. *Dundas* rose to deprecate the honourable gentleman's going into any discussion of the state of the Company's affairs, the next [this] day, any more than on the occasion then present. Till the day arrived, which the House had appointed for the consideration of the Report of the Select Committee, Mr. *Dundas* said, the subject could not be touched without at the same time prejudging facts that ought not to be prejudged, and setting opinions afloat that ought not to be hazarded or delivered without good foundation, and without certainty. With regard to the mere question, whether the Company should be allowed to divide four per cent. or three on the last half year, if gentlemen would but reflect for a moment

ment on what had occurred in that House but a very short time ago, there could not, he imagined, remain a single doubt how the House ought to decide. But a few months since, when the East-India bill, that had made so much noise in the world, and on the subject of which a great deal would undoubtedly be again said, when that bill was under discussion, was it out of the recollection of gentlemen, that it came from an high authority, no less authority than the mouth of Sir Henry Fletcher, (at that time chairman of the Company) that notwithstanding the then supposed miserable condition of the Company's affairs, (they having been stated to be rapidly verging to a state of actual bankruptcy,) their dividend ought not on any account to be less than eight per cent. for the ensuing year, and consequently that it ought not to be less than four per cent. for the then ensuing, but now past, half year. At that time no one minister existing, nor any of their friends, rose up to contradict the position of the Chairman of the East-India Company. Had not the House, therefore, by their acquiescence in what Sir Henry Fletcher had said, given the proprietors and the public at large to imagine, that it was their unanimous opinion that eight per cent. even under the then supposed sinking state of the Company's affairs, was the dividend that ought to be made, and that the Company would be allowed to make? And would the House now, when the state of the Company's affairs was somewhat better known, when no man, even he or they, who might
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be inclined to think the worst of their condition; would pretend that the Company was in any danger of bankruptcy, baulk the public expectation, disappoint the proprietors, and defeat those hopes which the House had been instrumental in raising, by refusing its consent to a proposition for allowing the Company to divide after the rate of eight per cent. ? The question, Mr. Dundas said, was very different from a question of what the Company should be allowed to divide in future ; that, indeed, was a question that would necessarily depend on the result of the deliberations the House meant to hold upon the Report that was printing, and which ought not only to be in gentlemen's hands, but in their minds, before they decided upon it. The question now was, whether the Company should be permitted to make a dividend of four per cent. upon the past half year, and the circumstance he had stated, considered, he saw no way whatever in which the House could refuse its consent to the Company's making such a dividend, without departing from every principle of consistency, and even of common justice. With regard to the amount of the money to be divided, if a four-per-cent. dividend was permitted, it was a drop of water in a bucket, compared to the accounts in controversy between the East-India Company and those who stated their affairs to be bad. It was not, therefore, in that point of view an object of consideration, even had there not existed the strong reason he had mentioned for allowing a dividend of four per cent. Mr. Dundas concluded with repeating

repeating his appeal to the House in general to be-
ware of the delicacy of the present situation of the
Company, and by no means, either then or the next
day, to enter into a debate on the state of the Com-
pany's affairs before they could have the printed
Report in their possession, from which alone they
could be enabled to form a judgment, and decide
upon good grounds.

Mr. *Smith* (Chairman of the Company) stated the
great inconvenience, and even the possible mischief
that might result from the House's refusing its consent
to the Company's making a dividend of four per
cent. upon the past half year. He said, not only
the proprietors in this country might take an alarm
at hearing that the dividend which they had been
taught by Parliament itself to expect would be four
per cent. was to be no more than three per cent.,
but that it might get over to Holland, and be pro-
ductive of consequences not only fatal to the credit
of the East-India Company, but fatal to the national
credit of Great Britain. He hoped, therefore, such
an opinion would not be entertained.

Mr. *Anstruther* corroborated the arguments of Mr.
Eden, and stated the impossibility of the House's
giving its consent to the Company's making a divi-
dend of four per cent. while the consideration of the
state of the Company's affairs was pending, and their
affairs were allowed on all hands to be greatly in-
volved, unless the House forgot its duty, and aban-
doned all pretensions to the character of guardian of
the public interests of the kingdom. — Mr. Anstru-

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ther said, that though it was possible the Company's affairs might turn out more prosperous than some gentlemen had imagined, yet it was equally possible that they would appear to be far from flourishing. Would the House, then, run the risque of declaring a larger dividend than the state of the Company's affairs should hereafter be really found to warrant?

Major *Scott* said, the learned gentleman and he had often fought on the same side, and acted as friends of the East-India Company, and he hoped they should continue to support that character: he wished, however, no debate whatever had taken place on the present occasion, because he feared that even the little that had been said might do infinite mischief. With regard to the Report of the Committee, there had lately arrived dispatches over land from Bengal, dated so late as the 7th of February, which, he understood, brought advices that went to the direct overturning of some of the calculations contained in the Report in question. When he said this, he meant no insinuation against the Committee; they had not the advices to which he referred before them, and consequently they could not be aware of the facts they contained; but those advices certainly threw a new light on the state of affairs of the Company, and overturned some of the reasoning to be found in the Report of the Committee.—The Major said, he thought it highly necessary that the dispatches he had mentioned should be before the House at the same time that they took the Report into their consideration; and, therefore, when the present question

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was disposed of, he should move that copies of them be laid upon the table. The Major observed farther, that eight per cent. had been the dividend allowed for several years, and he knew not of any reason why it should be less for the past half year. He particularly dwelt on the Company's having been allowed to divide eight per cent. in the midst of a war with different Indian and European powers, and thought, that being the case, there could be no reasonable objection to their making a similar dividend now they were in a state of profound and universal peace.

Sir *James Johnstone* said the question was not now, whether the dividend of the Company, for the past half year, should be three or four per cent. ? but whether leave should be given to bring in a bill ?

Mr. *Dempster* said he had no objection to the bringing in a bill to authorize even a dividend of four per cent. on the past half year, provided the bill was so drawn as to place the responsibility for making such a dividend on the Directors and the Company, by stating, that the bill passed under such peculiar circumstances as rendered it impossible for Parliament to decide, whether the state of the Company's affairs warranted a dividend of four per cent. or not.

— Mr. *Dempster* reminded the House, that he had frequently remonstrated against allowing the Company to make dividends of eight per cent. and even of less, from an opinion long since formed, that the Company's affairs were not in that sort of condition which justified such dividends. With regard

to the 31,000*l.* that the dividend would amount to, undoubtedly it was a matter of small consideration in a case where such infinitely larger sums were the subjects of discussion; so much so, that demurring to the dividend, merely upon the amount of it, reminded him of the old ludicrous story of a man who, after having lost thousands at the gaming table, hesitated whether, by way of recovering his circumstances, he ought not to walk home instead of paying a shilling for a coach to carry him thither.

Mr. Chancellor *Pitt* assured Mr. Dempster that the bill was exactly drawn in the manner he had described, and that in its preamble it expressly stated, that the Company were allowed to make a dividend of four per cent. or whatever the House should think proper, Parliament not having had an opportunity of taking the state of their affairs into deliberation.

Mr. *Fox* said he had but lately come into the House, but, from what he had heard of the subject in debate, he learnt that the Company's being allowed to make a dividend of eight per cent. last year was used as an argument why they ought to be allowed to make the same dividend now. He begged leave to say, that no good argument could be drawn from the Company's being allowed to make a dividend of eight per cent. last year. Let the House recollect the circumstances under which the Company had been last year allowed to make such a dividend. The bill had, from unavoidable, but well-known events, been brought in very late in the session; so
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late, that it was utterly impossible for the House to go into an examination of the state of the Company's affairs; and it had been at the time declared, that for that reason, and for that reason only, the Company were allowed to divide after the rate of eight per cent.; but it had also been at the same time expressly declared, that their affairs should be brought under discussion very early in the next session. That promise had been faithfully kept; and therefore the case now and the case last year were not analogous. The state of the Company's affairs was, he hoped, intended to be examined into in the course of the present session; till that examination was gone into, and completed, it was impossible to say whether the Company ought to be allowed to divide four per cent., three per cent., one per cent., or any thing per cent. Let the House recollect the fraudulent accounts of the affairs of the Company that had been presented to them, and let them then ask themselves whether it was prudent, whether it was wise, whether it was consonant to public honesty, which he took to be the same thing as public credit, to permit the Company to make a dividend of four per cent. before that House was assured that the affairs of the Company were in a condition to justify their making such a dividend.

Mr. Fox agreed with Mr. Dundas, that the amount of the dividend was as a drop of water in the ocean, compared with the greater consideration of the Company's affairs in general; but, he said, it was the principle that he should contend for, and upon that should

should refuse his consent to a larger dividend than three per cent.

Mr. *Atkinson* said he could not, as an East-India Director, sit silent and hear the accounts of the state of the Company's affairs stigmatised with the broad brand of being fraudulent. It was his duty to controvert and deny so foul an imputation, an imputation that had no foundation whatever. Mr. *Atkinson* said farther, that although he had seen the Report of the Committee, in common with his brother Directors, he was not bold enough, from such a slight view of it, to venture to controvert the whole of it; but he had every reason to believe, that when it came to be examined and discussed, much of the arguments it contained would be found to proceed from misconception and error, from false facts being stated, from conclusions that were inapplicable being drawn from other facts, and from opinions being hazarded upon matters that men might vary in their sentiments upon, and respecting which matters, as they related to events to happen in future, no correct judgment could be formed till the events themselves took place, and decided between those who had thought differently upon the probable issue of those events. There was nothing, however, in that Report, that went to shake the credibility of the accounts of the state of the Company, that had been presented, or that would be found to prove those accounts to be other than substantially just and true.

The question was here put and agreed to; after which the bill was brought in, and read a first and
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second time. It was then moved, that it be committed for the next day. — It was ordered accordingly.

Major *Scott* next stated that dispatches had arrived by land from Bengal, containing a letter from the Governor General, dated so low down as February 7, and stating the accounts of the Company's affairs in India, made up to the end of December, with an estimate of all the expences of the establishments there for five months forward. This the Major thought highly necessary to be upon the table for the information of the House, at the time they took the Report of the Committee into their consideration. He therefore moved for "A copy of a letter dated the 7th of February, 1784."

He next moved "That the said papers be printed."

Mr. *Dundas* expressed some fear, lest the papers should be of such length as to be so long in printing that they would not be got ready to deliver to the members in time for them to make themselves fully masters of the contents before the day for taking the Report into consideration should arrive.

Major *Scott* said he had a copy of the papers he had moved for in his hand, and shewed that it might be printed in a few hours.

The motion was agreed to.

Major *Scott* next moved for "A copy of the Governor General's letter to the Directors of the East-India Company, of the 16th of December, 1783;" which was likewise agreed to.

June

June 25.

The order of the day for going into a Committee on the Bill for permitting the East-India Company to make a dividend was called for and read; and a motion having been made, that the Speaker do leave the chair,—

Mr. *Eden* stated some objections to the form, and some to the essence of the Bill. The preamble stated that doubts had arisen, whether the Company had at present a power to make a dividend. Now, he was of opinion, no doubt whatever could exist upon the subject; for nothing could be more clear, than that by an act passed two years ago, the power of making any dividend, when the bond debt should amount to a particular sum, which it exceeds at present, was absolutely taken away from the Company; he suggested, therefore, to the mover of the Bill, how far it would be proper to raise doubts, where there was no ground for them; the consequence might be very serious; for by virtue of the Bill then under consideration, the Directors might in future disregard the act passed two years ago, and say they had the authority of the Legislature to declare there were doubts upon the construction of it. He objected also to the manner in which the clause was worded, by which the Company were to be empowered to make a dividend of eight per cent. The words went so far as to say, that the Company might make a dividend equal to eight per cent.; this seemed to imply, that the House was of opinion, that eight per cent.

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was the specific sum that ought to be divided : now, though he did not mean to oppose that dividend, because he knew the sense of the House was for it, yet he had several reasons for thinking that it was too high. In the first place, the House had not considered the report of their Committee on the account of the Company's finances, presented from the Court of Directors, and yet they were going to allow as high a dividend as had been made in days of prosperity. In the next place, they were allowing the Company to divide money not their own ; and it was rather singular, that when they were applying to Parliament for time to pay their debts, when they were not able to accept the bills drawn upon them, the Company should expect to be allowed to make as large a dividend, as if they did not owe a shilling. There was another consideration, which weighed much with him. By law, the Company are bound to pay certain sums for King's ships in their service, whenever they divide eight per cent. on their neat profits: gentlemen would see to what extent this might lead. But after all, what necessity was there for passing this bill before Tuesday next ? The Directors were not bound by law to declare a dividend before the fifth of July ; they were, indeed, bound to declare a dividend on that day ; and, therefore, though he would not insist upon it now, still he thought this Bill might be kept back till after Tuesday next ; the day on which the Report was to be taken into consideration, which would give the House ample information on the subject of the Company's finances.

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The Speaker left the chair, and Mr. Gilbert took the chair of the Committee: when he had read the Bill to the first blank left for the quantum of the dividend that should be allowed,

Mr. Chancellor *Pitt* rose.—He did not insist much on the preamble, to the wording of which an exception had been taken; he said that he himself did not entertain any doubts relative to the power of the Company to make a dividend; he was very clear that the act passed two years ago, had absolutely taken it away; but still he thought others might doubt: for instance, the act said, that when the bond-debt exceeded 1,500,000*l.* no dividend should be made without consent of Parliament: now, though there are India bonds to more than that extent in existence at this moment, still as many had been paid into the hands of the Company, as if destroyed, would reduce the bond debt under 1,500,000*l.* and consequently leave the Company at liberty to make a dividend; but doubts might arise, whether these bonds, being in their own possession, ought to be considered as out of existence; and, consequently, this would justify the mention of doubts in the preamble. As to the other objections of the right honourable gentleman, he would admit that there was no absolute necessity for declaring the dividend before the 5th of July; but as there was a necessity for holding a court before the end of this month, and that at the court held the latter end of June, it was usual for the Company to declare the dividend; it might be injurious to their credit, if that custom should be departed from on the present

present occasion. He expressed a readiness so to word that part of the bill, which said the money to be divided might be equal to eight per cent. as to say, that it should not exceed eight per cent. leaving the Company at liberty to make it lower, if they pleased. — The Bill went through the Committee, was reported, read a third time, passed, and sent to the Lords.

June 28.

Mr. *Wraxall* rose to ask a question of the Chancellor of the Exchequer, to which he said, he was persuaded, that the readiness he had always found in the right honourable gentleman to answer any question in which the House at large must be deeply interested, would induce him to give a positive reply. The question he meant to ask was, Whether it was, or was not, the intention of his Majesty's Ministers to bring in a bill for the better regulation of the East-India Company's affairs, during the present session? Mr. *Wraxall* said, that whoever recollected the principles, upon which the late Ministry went out, and upon which the present Ministry came into power, could not entertain any doubts of the intentions of Administration to bring in such a bill; at the same time, the very advanced season of the year, the time which had already elapsed since Parliament met, and the departure of gentlemen into the country, would render it impossible that the bill, if not instantly brought in, could meet with that full and ample

discussion in Parliament, which he was persuaded, the Chancellor of the Exchequer would wish a bill of that magnitude and importance to the country, should have. He then proceeded to deprecate, in the warmest manner, all procrastination and delay, from the peculiar situation of our affairs in India: he allowed that Bengal was, as had been very properly asserted on a former debate, at present freed from the calamities of war, by a peace having been concluded with the Mahrattas. Mr. Wrexall expressed himself in the strongest language of eulogium, on the ability, energy of mind, and inexhaustible resources of Mr. Hastings, to whom, principally, if not exclusively, the preservation of that valuable feature of our dominions in India was to be attributed. But, though Bengal was in repose, what, he demanded, was the actual situation of our affairs on the coast of Coromandel, at Madras, and in the Carnatic? It exhibited the most alarming picture of internal anarchy, and external distress, a depopulated country, and ruined finances. Besides these calamities, he said, that Lord Macartney had acted in a manner which called for the instant and vigorous interposition of the Legislature, either to approve, or to stigmatise and condemn. Lord Macartney, he said, had peremptorily refused all obedience or subjection to the most positive and repeated orders of the Governor General and Supreme Council, though this latter power acted under the sanction of the most solemn acts of Parliament. Mr. Hastings himself asserted it, and lamented his incapacity to compel the Governor of Madras to pay obedience

obedience to his orders; but, as yet, no notice had been taken of these complaints. Another circumstance Mr. Wraxall mentioned, which had, he said, been taken up in the last days of the late Parliament, by General Smith, and which demanded the strongest interposition of the government—namely, the supersession of five general officers of His Majesty's troops, by Lord Macartney, which had nearly brought on a serious dispute between the King's and Company's forces, which must have ended in bloodshed. These were matters calling aloud for some decision on them by government.

Mr. Wraxall then asked of the Chancellor of the Exchequer, if he could, from all the sources of information which were open to him, get up in his place, and inform the House, that we were at peace in the Carnatic? Had Tippoo Saib evacuated our territories? Could he assure us, that we were come to terms of pacification with that Prince? He said, that though he feared no such welcome information could be given from Ministers, he could assure the House of a fact, as alarming, as the information he wished, would have been agreeable. It was, that France, contrary certainly to the spirit, if not to the letter of the late treaty of peace, had retained 4000 European troops at Pondicherry, and were now actually sending out more forces to that quarter of the world. To what end, he asked, could this be done, except to enable Tippoo, by open, or concealed assistance, to continue the war, and keep possession of his conquests in the Carnatic? He said, that France could never mean to retain

retain 4000 Europeans at Pondicherry, which was a dismantled, open place, the fortifications of which had been totally demolished. The motive therefore, to this conduct, was equally apparent and alarming.

He said, he might, possibly, be told, that the Directors were competent to the redress of many, or all these grievances, by sending out orders to their governments in India, such as were demanded by the exigence of their affairs. He allowed, that the Directors were competent, but feared that they were inert and inactive, lethargic from principle and from habit. There were indeed gentlemen among them, whose capacity, application, and energy of mind, he said, no man would dispute: he named Governor Johnstone, as a person who possessed these qualities—but what could two or three men do, to infuse vigour into a body, destitute of any political decision?

Mr. Wraxall concluded by earnestly intreating of Ministry to interfere instantly, and rigorously; not by a bill of confiscation and despotism, such as that which ruined the late Administration, but by a bill, which, uniting moderation with strength and coercion, would administer effectual relief to the numerous evils in which the Company's affairs were at present involved.

Mr. Chancellor *Pitt* replied, that as much of what must be done for the future government of India, and of the Company, would depend on the state of its finances; and as that state had been referred to a Committee of the House, to be there examined, it would not be expected that he should
propose

propose any system relative to India, until the report of the Committee should have been thoroughly examined by the House : nor could it be said that he had been remiss or guilty of any unnecessary delay in the business, for very few days indeed had elapsed since the Committee had made a Report to the House, which report the House had ordered to be printed ; and it was only on this day that it had been delivered to the members. He did not conceive it would be proper for him to bring on the business of the East-India Company, until gentlemen should have had time thoroughly to examine the Report, and to read the Appendix annexed to it, which contained evidence very material to the question. So far, therefore, from thinking that there had been any unnecessary delay, that he must pray the House to put off for a few days the consideration of the printed Report, which stood for to-morrow ; for if he should go into the state of the Company's finances to-morrow, he feared he should not be able to go on Wednesday into the finances of the nation, which, according to notice, he intended to bring forward that day. He concluded by moving, that the order for taking into consideration on Tuesday the Reports on the state of the East-India Company's affairs be discharged ; and that a new order be made for taking the same into consideration on Friday next. — The motion passed without opposition.

July

July 2.

The order of the day having been moved, for the House to resolve itself into a Committee of the whole House, to take into their consideration the petition of the East-India Company, the Report of the Court of Directors, stating the affairs of the Company, and the Report of the Committee of the House, appointed to examine into the facts stated in the Report of the Directors, and those papers having been severally referred to the Committee, the Speaker left the chair, and Mr. Gilbert took his seat at the table.

Mr. Chancellor *Pitt* then rose and said, although the papers upon the table involved in them many important and complicated considerations that would necessarily call for a full discussion, yet he did not conceive that to be the proper moment to bring the discussion forwards, or that he should have any reason to take up any great portion of the time of the House in stating, what he should think it necessary to say, preparatory to his making the motion with which he intended to conclude, which would be simply a motion for leave to bring in a Bill for the relief of the East-India Company. Future opportunities of discussion of all the affairs relative to India and to the Company would offer themselves in the progress of the Bill, and as that discussion must then be held, he should not for the present go much at large into the subject. When the measure which he should propose came to be discussed, every circumstance of the report would come properly into review; and in the mean
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time all that was necessary for the motion with which he intended to trouble the Committee; and on which he apprehended there could be little observation, was the general object of the report, and the immediate measure which was necessary. In considering this, he would draw the Committee to the three principal points in the Company's present necessity. 1st. The debts which were due by the Company to the public by the accumulation of duties, and which unquestionably it would be requisite for the public to indulge them for a time in the discharge of.—To postpone the duties for a time was certainly an inconvenience which the public could hardly bear; but as it was so necessary to the Company, and as the inconvenience to the public, though material, would not be in any degree to be compared to the injury which they must sustain through the Company, if they should be distressed by forcing the payment. It was therefore his idea that time should be given to the Company to discharge this debt; but certainly the indulgence should be guarded, and no longer time be given than was actually necessary.

The second subject in this inquiry was, the bills which were drawn upon the Company from India, part of which were now accepted, and part lying unaccepted, or of which notice was received. This was a question infinitely more doubtful and delicate than the preceding. It was easy to comprehend the whole extent of the injury which would be sustained by putting off the payment of the duties; but it was not so easy to perceive all the evils which might follow

from suffering the Company to accept the bills which were, or which might be, drawn in India. He wished to act in this matter with extreme caution; and he should certainly be happy in submitting his ideas, and in governing himself by the wisdom of the House, in striking the medium, and settling how far they ought to go, and where to stop in this business.

The 3d point was the dividend which the Company in their present circumstances ought to make, and which might be regulated in this bill, so as to enable the Company to act on a certain basis, without applying from time to time for authority to do it in a capricious way. These three were the chief points on which he thought it necessary to animadvert in the present stage, as the topics on which he was to ground for the bill to be brought in. On the first point, namely, the postponing of the duties, it was his opinion, that they should be divided into parts, and that indulgence should be given to the Company to the end of the year 1785, for the last; that is to say, that the duties due up to a certain time should be paid in six months from January next, and the remainder, which might be due at the end of the year, should be paid in twelve months. Shorter time he did not think it would be advisable to give, for it was better to comply with the Company's request in this respect than to tie them down to severer terms, which might afterwards afford them an argument for a fresh application. The Right Honourable gentleman then proceeded to state his ideas on the subject of the bills. Certainly it was necessary that Parliament should

should proceed with the utmost caution. Bills to a very considerable amount were already received and accepted—Bills to a much greater amount were announced, and more were accepted. What was to be done in this business? The Company stated in their Report probable grounds of belief, that they would be in circumstances to answer their demands. They exposed what they believed themselves to be the real state of their affairs—They acknowledged their present embarrassments; but they stated the prospects on which they made their application to Parliament for leave to sign the bills which were coming home. It appeared that they owed a debt of five millions in India :—the accounts of what they had suffered by the war were not yet fully made up, nor could their amount be properly ascertained; certainly however their circumstances in India were not flattering; but without indulging too warm and flattering ideas on the one hand, or notions too gloomy and dejecting on the other, he was of opinion that there were rational prospects of the recovery of the Company, and such as would justify the House in authorising them to accept of the bills of which they had received notice.—He must state, however, that this rational hope could only be sustained by the most rigid and inflexible œconomy. The establishments must pay the strictest attention to principles of reform, and even of parsimony—Orders must be obeyed, and the system amended throughout.—There were but two ways of recovering the Com-

pany—the one, that their commerce, by the regulations to be made here, should be rendered more productive than of late—or that arrangements should be made in their presidencies, and resources be found there to maintain the expence of their support, without coming on the beneficial part of the Company's trade at home. To accomplish both these objects was what he most desired to see. He had hopes that the beneficial trade to China might be amended by regulations in the revenue laws at home—and he trusted that wise regulations at home, properly enforced abroad, might carry reform through the presidencies. With this view, and in this hope, he was of opinion that the Company should be suffered to accept the bills of which they had received notice, and which were, in truth, necessary to the support of their credit. He then explained his ideas on the subject of the dividend, and concluded with moving, that the Chairman be directed to move for leave to bring in a bill to go to these points.

Mr. *Francis* rose to ask a question of information from the Chancellor of the Exchequer. Observing, that it was proposed to bring in a bill to permit the Court of Directors to accept draughts to a very considerable amount, which they were now by law restrained from accepting, and that the first effect of such an act would be to prevent the bills being protested for non-acceptance, he wished to know whether, in the opinion of the right honourable gentleman, the faith of the Legislature would be thereby pledged to the holders of the bills, in any, and in what degree,

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to make good the payment, if it should happen, that when the bills became due, the Court of Directors should be unable to discharge the whole, or any part of them. That as the bills now proposed to be accepted, with others, which would soon stand in the same predicament, amounted to some millions sterling, it was a very serious national consideration, whether Parliament ought in any shape, directly or indirectly, to make itself responsible to the creditors for the payment of their demands.

Mr. Francis farther observed, that Mr. Pitt had expressed a sanguine hope that great retrenchments would soon be made in the Company's expences in India, and a rigid œconomy observed hereafter; and that he had argued on this hope, as if it amounted to a perfect security; but that for his part, he could not conceive on what foundation such hopes of future œconomy were entertained, unless they were derived from a knowledge of the grossest prodigality and profusion, which, it was not denied, had prevailed, and still existed in India. That, with respect to the prohibition of future bills being drawn on the Directors, however positive and strict it might be, it would assuredly be found ineffectual; for that, in the case of pressing exigencies abroad, there might be no other resource, and necessity would then compel the Company's servants to have recourse to this measure. The similar prohibitions, in time past, had been as strong as they could be; but that reasons, whether real or exaggerated, had never been wanting, for instantly doing the very thing that was forbidden.

Mr.

Mr. Chancellor *Pitt* observed in reply, that the honourable gentleman had put a question to him, which any other gentleman was just as competent to answer as he was, because it was not a question, that had relation to any fact, but a question that referred solely to a matter of opinion. For him, therefore, to lay down the opinion of the House upon the question, would be an unpardonable presumption; his own opinion upon the case put to him, he was very ready to declare that moment, and his own opinion was, the public had no occasion to have any security, because they were not answerable for the debts of the Company. Mr. Pitt declared, he had been perfectly astonished, when on former occasions he had heard it seriously contended, that when Parliament empowered the Company to accept bills, it pledged the public faith for the payment of those bills, and was bound to provide for their discharge, in case the Company should fail to honour them when presented. This language was so palpably fallacious, that he never imagined those, who held it most loudly had believed, what they said at the time. The fact undoubtedly was, the public were in no way affected whatever by the authority about to be given to the East-India Company; for what, in God's name, was the authority in question, but an authority to make use of their own credit and property? What had the public to do with either? They were neither involved directly nor indirectly, it being the credit and property of the East-India Company solely, and not the credit and property of the public, that the holders

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of the bills considered and accepted as their security for the amount.

Mr. *Fox* said, he was perfectly aware, that when Parliament or the Lords of the Treasury, authorised the East-India Company to accept bills to a greater amount than the three hundred thousand pounds, to which they were limited by the Regulating Act of 1773, the public was not legally bound, in like manner, as a private individual is bound, when he indorses a bill or a note of hand, to make good the payment in case the person who ought to pay the bill, fails so to do; but he must still contend, that when Parliament acts as it had done with the East-India Company, when it takes their affairs wholly under its cognizance and examination, and after that authorises and permits the Company to accept bills beyond the limit to which they were restricted by a former statute, Parliament in that case holds out to the public, that it is its opinion, that the bills, so accepted, may be prudently, discreetly, and safely taken, and by so doing, Parliament from every principle of honour and of justice is bound, though certainly not legally bound, to take care that the public is no loser by trusting to the opinion it has induced them to entertain.

Mr. *Dundas* said he was most extremely happy to find the important point then under discussion agitated so early in the debate. It was of infinite consequence that if a doubt remained floating on any man's mind on the subject, it should be wiped away. In order to clear up these doubts, if any there were, he

he had risen. Nothing, he said, could be more certain, than that the public, if the bill should pass, allowing the East-India Company to accept bills to a greater amount than the amount to which they were restricted by the Regulating Bill of 1773, was in no way pledged, either directly or indirectly, to make good the payment of those bills in case the East-India Company should fail to discharge them. In order to see this more clearly, gentlemen had only to refer to the cause of the restriction's having been originally imposed on the Company, and the manner in which that restriction was to be governed and to operate. In 1773, the question to whom the territorial acquisitions made by the East-India Company's troops of right belonged, was so far agitated, that a claim was set up by Parliament to a share of profits made by the Company; and in order that such claim might not be iniquitably urged, so as to trench upon what might be supposed to be the clear commercial gains of the Company, it was agreed, that the Company should divide eight per cent. every year that their aggregate profits amounted to so much; after which, the public were to come in for their share, and to divide with the Company equally: but in order to prevent the Company from depriving the public of the right thus established, and in order to prevent them from appropriating the whole remainder of their profits to the payments of bills that might be fraudulently sent over from India, they were restricted from accepting bills beyond a limited amount without the express consent of the Lords

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of the Treasury. The question, then, came precisely to this point; from what was it that the Legislature had restricted the East-India Company? Undoubtedly, from making the remainder of their profits liable to the payments of the bills accepted by them; in other words, from a free use of their own credit and their own property. Thus much, therefore, he was ready to admit he did, when he gave his consent to the Company's accepting more bills than to the amount to which they were restricted by the Regulating Bill, viz. he gave up on the part of the public their claim to a dividend on the credit and property of the Company to so much amount, as the amount of the bills they might accept: but to say that he pledged the public, either directly or indirectly, in any way whatever, to make good the payment of those bills, was a fact which he flatly denied.

Mr. Fox still adhered to his opinion, notwithstanding what had been urged by the learned gentleman; for as he had a right to presume, that people would not advance their money to the Company in its present distressed situation, if they thought it stood unsupported by the public, so he had a right to argue, that their advancing their money, as soon as the Treasury should consent to the acceptance of the bills, was to be solely ascribed to the idea, that as Parliament and the Public stood in the light of guarantees, that the Company's resources would be found equal to all their engagements; and therefore, if these resources should afterwards fail, the nation

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might well be thought by the bill-holder a security for the payment of the bills.

Mr. *Jenkinson* agreed with the Chancellor of the Exchequer and Mr. Dundas in thinking that the public would in no shape be bound by the permission which they gave to the acceptance, for the payment of the bills. He was always of opinion, that the public were not in any degree whatever responsible for the credit of the Company. The community at large were in some degree affected by whatever pressed on individuals; and individuals stood in this relation to the whole, in proportion to the extent of their property; so that the national credit and that of the East-India Company had no other connection than that which inviolably subsisted between the country in general and every other trading stock. The opinion of Parliament did not, therefore, bind the public funds with any additional burden, whatever might be the fate of this Company. He did not, for his part, apprehend the Treasury in the smallest degree answerable for those bills, any farther than authorised by the solvency of the Company, or its ability to satisfy all its creditors to the full. The House of Commons only exercises its own judgement, which cannot have any influence whatever in compelling the constituents of that House to make good the debts of the Company. Though Parliament are at present of opinion the affairs of the Company are promising and prosperous, the nation is not in consequence pledged that these encouraging circumstances should in no future period undergo the

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least alteration. All reasoning which regards futurity, he was satisfied, was liable to misconstruction and misapprehension: but he should ever be of opinion, that the Company only was responsible for its own credit; and that those who possessed stock on any other principle were in an error, which, however, he trusted might prove an harmless one, but which, in the event of a failure in the Company, would draw along with it the most fatal and distressing circumstances. He, for one, should be extremely sorry indeed, to find the public loaded with all the debts of all the corporations and trading companies, to the affairs of which some interference of Parliament might have been found necessary. This would hang like a millstone about the neck of the nation, and must inevitably sink our credit for ever. But the fact was otherwise. No one ever dreamt of such a thing; and he was happy to foresee that the event would not occasion bringing the matter to an issue.

Mr. *Francis* said—Sir, the answer given by the right honourable gentleman is sufficiently clear and precise, and, as far as his opinion goes, certainly precludes all idea of Parliament's becoming answerable, at any time, for any consequences with which its own act, in this respect, may be attended. But I confess, Sir, that the answer, though clear and determinate, is to my mind by no means satisfactory. I never imagined that Parliament would in any case be strictly and legally bound to discharge the bills, as an indorser would be, or that the creditors would have an action against Government: but I did, and

do still apprehend, that by the act proposed, the public honour would be in some sort engaged to those persons, who, confiding in the wisdom and justice of Parliament, would not conceive it possible that the Legislature, assuming and exercising, as it does, a constant control over the Company's affairs, would take off an existing restraint, and give the Company an express permission to engage for the payment of demands, which Parliament was not perfectly assured that the Company would be able to discharge. The sense of the Legislature to this effect will be declared by the permission it gives, which the creditors will conclude is founded on a strict enquiry and certain knowledge, and which, therefore, they will receive, and are entitled to consider as a parliamentary security. My question, therefore, was nor unseasonable or superfluous. It appears that a different opinion prevails on this side of the House (*turning to Mr. Fox, at which the Treasury-bench laughed.*) I never knew till this day, that the right honourable gentleman near me had started a doubt, at any former time, on this subject. I am not a party man in this or any other question. I have not the honour of living in any habits of acquaintance with the right honourable gentleman, nor do I believe that I ever spoke fifty words to him above once in my life. My doubts arose upon the instant, and while the right honourable gentleman opposite to me was proposing that part of his intended bill. Surely, Sir, there is nothing very absurd in the distinction between a legal and an honourable obligation; and though

though I do not contend that the claim of the creditors can be enforced by a legal process, I still think, that, if this act passes, they will have a powerful claim upon the public equity and the public faith. At all events, Sir, since a doubt appears to exist, and since it is possible that the parties concerned may view the security held out to them in the same light that I do, I think it would be adviseable to insert a clause in the bill, declaring the sense and intention of the Legislature to be, that they do not vouch for the security which they permit to be given, and that they are in no sense engaged at any period to make it good. By such a declaration it cannot be denied that Parliament would stand clear of all claim on the part of the creditors. But even then, Sir, we shall not have done all that we are in duty bound to do. We are not only bound to preclude the possibility of any claim being urged against the public, but we are to take care not to suffer Parliament to be in any shape partakers in an error, or accomplices in a deception that may possibly mislead, or be practised by others. The Directors say they shall be able to discharge the bills in question at certain stated periods. Before we give them permission to undertake this engagement, let us be very sure that they will be able to perform it. Their accounts are before us; your Select Committee have gone into a strict examination of them, and have made you a Report. Let us see what the result of it is. I have examined these accounts and Reports with all the diligence and attention in my power; and I mean, if the House will
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allow me, to state briefly what conclusions I have drawn from them : but, as the matter is in itself extremely dry and intricate, and as it is difficult even for men of longer practice and greater ability than I pretend to, to speak clearly and intelligibly upon long and perplexed calculations, I must solicit a great deal of indulgence. I am not accustomed to speak in public; and I very much fear, that, although what I have to say is clear enough in my own mind, it will appear in great disorder. But before I enter into this part of my subject, I have one observation to make, in reply to many things that have been eloquently urged, and strenuously insisted on, by the right honourable mover of the bill. He expressly admits, that great and boundless prodigality has existed in the management of the Company's affairs, and that the servants abroad have been guilty of repeated acts of the grossest and most daring disobedience of orders. From this state of facts he makes a sudden transition to a different prospect, and looks forward to an opposite system, without any *data* that I can discover, unless it be the usual promises of unusual vigour on the part of the Directors, and of thrift and submission, equally unusual, on the part of their servants. From premises such as these, and which have existed in as much apparent force during the last twenty years as they do at this moment, the right honourable gentleman rapidly concludes, that obedience and œconomy will infallibly prevail hereafter. It may be so. The right honourable gentleman's speculations may be better founded than mine.

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I shall leave him in possession of his hopes, without relinquishing my own fears; observing only, that there is this essential difference between us, that my apprehensions are founded in experience, and that his expectations are opposed to it.

Sir, I propose to consider the actual state of the Company's affairs, as represented in the papers before us, under four principal heads; premising only, that I shall content myself with stating gross sums under each head, and not attempt to enter into a detail of the articles of which the totals may be composed, as I do not believe it possible to make such a detail intelligible to the House. With respect to assertions, or mere matters of fact; I must desire it to be understood, that I constantly ground myself on the authority of the Report from the Select Committee, and take their assertions for granted, having no other test or evidence by which I could canvass the statements produced by the Court of Directors, but the documents produced by your Committee. I am, therefore, not answerable for any thing, but for the use I may make of those materials.

The Court of Directors, in their first Report, have laid before you an estimate of receipts and payments, in England for a period of six years, ending in March 1790, which they support by another estimate of the value of goods remaining now, or to be imported into England within that period, and of the funds, out of which such goods are to be provided. On a rough computation of the amount of several articles of credit in this latter estimate, to which your Committee

mittee have objected, and of several articles of debit, which the Directors have either under-rated, or not charged at all, I am of opinion, that on their six years estimate they have taken credit for at least three millions too much. Other calculations, made by gentlemen who understand the subject better than I do, carry the deficiency much higher, and even to the amount of some millions more than I have. My computation, I am sure, is much within the truth.

The Directors in another paper, (No. 4,) have exhibited an estimate of what they call their neat revenues in India in time of peace, and of the annual established charges to be defrayed out of them. Availing myself of the remarks which your Committee have made on this account, in which I intirely concur, I say, that the Directors have under-rated the charges to the amount of 882,080*l.* a year, which in six years will amount to 5,292,480*l.*; that they have omitted to provide for the interest of their bond debt in India, to the amount of 400,000*l.* a year, which in six years comes to 2,400,000*l.* and that they have taken credit for an increase of revenue from Benares, and from the Calcutta customs, to the amount of 292,500*l.* which, I am convinced, will never be realised, and which in six years will amount to 1,755,000*l.* These several sums taken together, come to 9,747,480*l.* from which it will result, that instead of having an annual surplus in India of 1,091,546*l.* as the Directors have stated, the annual balance against their Indian revenue will be 1,624,580*l.* and yet nothing allowed for victualling the

the King's ships and pay of regiments, which already amounts to 782,391l. and that the whole over-credit taken by the Directors in the above two estimates amount to 12,747,480l. on the estimated period of six years.

The third material point to be considered is the amount of bills unpaid, and already drawn or expected by the Company; and these, by a paper produced to your Committee,* appear already to amount to the enormous sum of 4,819,236l. The Directors in their estimate suppose that bills may be drawn to the amount of 5,655,668l. in the whole period of six years, and for that demand they profess to make a provision. It appears then, that by far the greatest part of the sum so provided is already absorbed, and that only 836,432l. is left to answer all the bills that may be drawn in the four last years of the estimated period.

The amount of the Company's debts in India comes next into view; and however lightly it may be valued by the Court of Directors, or how little soever those gentlemen may profess to regard the pressure of such a burden, or confidently to rely on the means of removing it, undoubtedly it will be considered by this House as an object of the most serious and alarming nature. I shall content myself with stating the facts to you, and leave them to your reflections without farther comment.

* Appendix, No. 7.

I find by the Report of the Directors, corrected by your Committee, that the debt in India amounted, by the last advices, to 6,192,207l.* and this you are told is likely to be liquidated in process of time, partly by the appropriation of certain debts charged upon some of the ruined Princes and insolvent renters of lands in India, to the amount of 2,470,394l. of which the Directors themselves suppose a considerable part to be bad, at the same moment that they take credit for the whole of it, which I am of opinion is not worth a shilling. The other fund out of which the debt is to be discharged, is to consist of supposed savings out of a supposed annual surplus of revenue in India, stated by the Directors at 1,091,546l. which ought, in truth, to be converted into an annual deficiency of 1,634,580l. by which their debts will be annually increased instead of diminished. In this statement of the bonded debt, I find nothing charged for outstanding debts at Bombay, which must be considerable. No account of them is produced. But you may judge of the condition of public credit at that Presidency from this extraordinary fact: by the last advices, their bonds, bearing an interest of nine per cent. were at fifty per cent. discount, and the government were not possessed of a rupee to pay either principal or interest.

* Debts stated by the Directors	—	—	4,799,707
Outstanding at Madras	—	—	500,000
New loan, Bengal	—	—	562,500
Arrears of Peshcush	—	—	330,000
			£.6,192,207

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There is another paper or estimate before you, which certainly would deserve the most attentive consideration of the House, and which I should have examined with the strictest care, as the matter of it falls within my own knowledge, rather more than any other part of the present subject, if certain other accounts, by which alone the truth or fallacy of this estimate could be ascertained, had been produced by the Directors. The account I speak of is an estimate of the probable receipts and disbursements of the Bengal Government for one year, from April 1783 to April 1784. You may remember, Sir, that when I moved for a copy of this estimate about a fortnight ago, I did at the same time desire, that the accounts of the actual receipts and disbursements up to the latest period to which they were received, might be laid before the House. I find now, Sir, that, although you have an estimate of probable receipts and disbursements to April 1784, you have no account of actual receipts and disbursements later than to April 1781, and your Committee tell you that no later accounts have been sent home. Now, Sir, this fact alone is to me, and I dare say will be so to the House, a just and sufficient reason for rejecting and discarding the estimate at once, as a paper which has no claim whatever to our confidence, and to which no sort of credit is due. The accounts of the actual receipts and disbursements of one year is the natural, necessary, and indispensable foundation of the estimate of the next. The first is the official, the true, and, indeed, the only evidence by which the second can

be supported. You cannot officially say, that an estimate of the ensuing year is true, or even that it is probable, unless you have the power of comparing it with the actual accounts of the collections and expences of the preceding years. To withhold such evidence is in the first place a very criminal neglect of duty in the servants abroad. To expect, that without it the Directors should place any confidence in their estimates, is in my mind an instance of presumption; and finally they force us to this obvious and natural conclusion, that not only their estimate deserves no credit for want of the documents that naturally and necessarily belong to it, but that those documents would not have been withheld, if they did not exhibit such a view of the Company's affairs as the servants abroad did not dare to send home. From the premises I have stated, I have a right to the conclusion; and though hereafter it should appear that, in fact, the state of things abroad were better than I presume it to be, the parties have no right to complain, since the conclusion I draw to their disadvantage is founded on their own act, or rather on the omission of an essential part of their duty. For these reasons, Sir, I shall treat this estimate, as I think the House ought to do, with perfect disregard. One observation only occurs upon the face of it, which I borrow from your Committee, and which certainly is too material to be omitted. The estimate acknowledges a balance against the Company of fifty-six lacks of current rupees, which it allows to be the exceeding of the expence beyond the resources of the year in question.

To

To this great sum your Committee have added two other articles of over-credits taken, which increase the annual deficiency to 120 lacks, or to 1,350,000l.

Permit me now, Sir, to consider the Company's affairs in another point of view. Let it be supposed for a moment, that all the calculations made by your Committee go upon false facts, or upon mistaken principles, that all their conclusions are false, and all their objections groundless. Supposing all this were admitted by me, and taken for granted by the House, there still remains two considerations, which, on the principles assumed by the Court of Directors themselves, attack the whole fabric of their accounts, and shake it to its foundation. The first of these considerations belongs in a more especial manner than perhaps any other to the department and office of the Chancellor of the Exchequer. I mean only to bring it into view, and to draw his attention to it. The Court of Directors suppose, that in the course of the year 1784 the Company may be able to sell the bonds which have been paid in lately at their sales, and hereafter to keep in circulation the sum of two millions of bonds; and they admit, that if this cannot be done, the bonds may be paid in at the sales instead of cash, *and all present estimates be thereby set aside.* The fact is, that on the 31st of May last, the bonds, which either they had not been able to issue, or which had been paid in again at their sales, amounted to 587,200l. and on this point your Committee properly and judiciously observe, *that it appears very doubtful whether the circulation presumed by*
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the Directors can take place, under all present circumstances, and subject to a plan of management which implies a decrease of disbursements and an increase of receipts. The Chancellor of the Exchequer has informed the House, that it makes part of the plan of the present year, to circulate three millions and a half of Exchequer bills on account of Government: now, Sir, it is for him to consider whether these two circulations of paper can exist together to the extent that is proposed, and whether one of them will not materially affect and embarrass the other. The question, I confess, is beyond my reach; and I do not presume to offer an opinion upon it.

Of the second great consideration, which, as I apprehend, annihilates all the estimates of the Directors at once, I am a little more capable to judge. The House undoubtedly has observed, that all these estimates go upon one principle, or rather upon one presumption, viz. that peace exists in India, and that it will exist without interruption to the end of the period to which the estimates are carried. In their Second Report they say, that *from all their advices, there appeared no ground to doubt but peace would very soon be made with Tippoo Saib, and be thereby completely established over all India.* You will recollect, Sir, that I took the liberty, some days ago *, to express a different opinion on this subject, and stated to the House that I had reason to suspect that the Directors were not completely war-

* 16th June.

ranted in making this declaration to Parliament.
 At all events, I thought it extremely necessary that
 the House should see on what specific ground such
 assurance of peace was adopted by the Directors,
 and solemnly delivered to Parliament. You may
 also recollect, Sir, with what slight and disregard
 that proposition was treated. It was expressly called
improper and *premature*, as if I had grossly injured
 the Directors by questioning the truth of their asser-
 tions, or wished to injure the Company by divulging
 their political secrets. It now appears, I think,
 that my question was not quite so absurd and
 groundless as it was then represented. Such a
 question of fact could not be a matter of indifference
 at any time, and especially not at a time when the
 supposition of peace was made the foundation from
 which the actual and future circumstances of the
 India Company were to be inferred; and when,
 from that inference, measures of practice were to be
 instantly resolved on. If there be peace in India,
 the principle of the calculations made by the Di-
 rectors is so far supported. Armies may then be re-
 duced, and expences may be retrenched; but if you
 reverse the fact, the Directors are obliged, by their
 own way of reasoning, not only to relinquish their
 conclusion, but to reverse it. As long as a war con-
 tinues in India, not only no retrenchments can be
 made, but the same causes of expence which have
 brought the Company to their present distress must
 continue to operate, and every supposed saving, for
 which they have taken credit with as much confi-
 dence

dence as if they had the produce of it in their Treasury, must be converted into an exceeding of expence.

You have now upon your table, Sir, a letter from the Governor General and Council of Fort William, dated the 7th of February last, to which the attention of the House has been particularly called, and which certainly deserves it. In this letter you are told, "that the negotiation for peace does not promise so much success as first appearances led to expect — that the steps which Tippoo had taken were such as left Nana little or no hopes of his acquiescence in the treaty, and that the Select Committee of Madras were endeavouring to get their army into the field as fast as possible." — Such is the pacific state of your affairs in India, notwithstanding the positive assurances very lately given you by the Directors, *that there appeared no grounds to doubt but peace would very soon be made with Tippoo Saib, and be thereby completely established over all India.* In this place, Sir, it is fair in me to observe, that, when I moved for papers, tending to establish the probability, if not certainty, of peace in India, it was considered as a proposition dangerous to the Company's credit, and leading to a discovery of the important secrets of their State. But now, it seems, there is no sort of danger in divulging intelligence which establishes the certainty of war. The moment these advices arrive, they are laid before the House, and instantly ordered to be printed and published. Undoubtedly it was right to do so. —

Transactions

Transactions in India cannot be made too public. In truth, there is no danger from any thing but concealment. But how is it possible to reconcile the objections made to the production of the papers moved for by me, with the instant publication of the present intelligence?

By the same conveyance the House is in possession of an extraordinary letter from Mr. Hastings. Considering the eagerness with which it is produced, I presume that some important conclusions are meant to be deduced from it. On this letter I shall beg leave to offer you a few observations. — I am thoroughly acquainted with Mr. Hastings's stile, and with the rapidity of his invention. I know the powers of his pen, and how implicitly he confides in them. I know that, between a feeble memory and a brilliant imagination, he is apt to fall into such a total misconception of facts as would be very distressing to his argument, if it were not united with an unlimited command of words. Mr. Hastings tells you, Sir, "that, during a period of five years, he has maintained a continued and *desperate* state of war in every part of India." Hitherto, Sir, this war has been called *prosperous*; hitherto you have heard of nothing but compleat victories and decisive successes in every quarter. Hitherto the state of the war has been represented to be successful. But now, it seems, the facts are suddenly altered. It now answers the purpose of the moment to confess the truth — Your distresses are acknowledged, in order to exalt the wisdom, the vigour,

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and the policy, by which they have been relieved. What yesterday was *prosperous*, to-day is *desperate*.

Proceeding in a narrative of events which he persuades himself may have happened, Mr. Hastings assures you, "that he has supported your other presidencies, not by scanty and ineffectual supplies, but by an anxious anticipation of *all* their wants, and by a most prompt and liberal relief of them." If this description be correct, Bombay and Fort St. George must have been nurtured in the lap of luxury. It is impossible that, in the very period referred to by Mr. Hastings, they should have incurred a debt of two or three millions, and drawn upon the Directors for a million more. Yet the accounts on your table suppose that they have done so.—He says, "that he has assisted the China trade, and provided larger investments from Bengal than it had ever furnished in any given period of the same length;" and then he solemnly and deliberately concludes, "That, in the performance of these services, he had sought *but little* pecuniary assistance from home; and that, unwilling to add to the domestic embarrassments of his honourable employers, *he had avoided drawing on them for supplies* on many occasions that would have justified him in seeking such assistance." Mr. Hastings, I conclude, keeps no account of his drafts on the Directors; or, perhaps, he supposes that they keep none. Unfortunately for both parties, the accounts exist, and are now upon your table. By these it appears that, exclusive of bills already paid by

by the Company since the commencement of the war, and which must have amounted to a very considerable sum, the bills now received or advised from Bengal alone, and not paid, amount to 3,416,285l. ! and this is the proof of Mr. Hastings's unwillingness to add to the domestic embarrassments of his honourable employers.

I shall not enter minutely into the flattering account which he thinks it suits his present situation to give you, of the prosperous state of Bengal. It is no easy matter to refute general assertions concerning an object so far removed from your view ; nor would it be fair, perhaps, to canvass the literal veracity of a poetical description. Mr. Hastings's judgment, now and then, is hurried away by his genius. He abandons himself to his pen, and writes, *currente calamo*, whatever the convenience of an instant argument dictates to his mind, without reflecting on any thing which the service of the moment might have engaged him to say yesterday ; or looking forward to any thing which the spur of the occasion may incite him to say to-morrow. But to a description which it is not in my power to confute, he has added some specific evidence, which I shall take the liberty to examine, because it is of an examinable nature in itself, and happens to be familiar to me.

To prove to you the flourishing circumstances of his government in December last, he sends you a state of the treasury of Fort William, of the same date with his letter ; and I freely admit that the

the evidence of this document is properly appealed to. The proof produced directly relates to the proposition, and is strictly applicable to it. With respect to the ability or disability of the government of Bengal to carry on current services, to answer immediate demands, or to provide for actual expences, the balance of quick stock, let it be ever so great, proves nothing. Property of any other kind proves nothing. The state of the Treasury, especially if taken at a favourable period, is the true test of the ability of Government and of the resources of the country. The treasury at the Presidency is the grand reservoir into which the collections from the other treasuries necessarily and naturally flow. It may be accidentally drained by a sudden demand, but, in the ordinary course of the collections, it will soon be replenished. Whereas, if the reservoir be dry, you may be perfectly assured, that all the sources and all the channels by which it was supplied are dry likewise. Now, Sir, having acknowledged the competence of the evidence, let us consider what it proves. The first article in the account, as it naturally ought to be, is that of *ready money*; and, after all you have heard, would you believe it possible, that in the treasury of a country, whose annual revenue is computed at four or five millions, and which, as Mr. Hastings assures you, *has enjoyed the clear and uninterrupted sunshine of wealth, peace and abundance*, there should be only 5500, and that too at a favourable period of the collections, as the months of November and December unquestionably are? In other assets and securities,

curities, credit is taken for about forty thousand pounds more; and this was the whole of the existing fund of the flourishing government of Bengal.

The existing demands against it are not confined within the same limits. On the face of the account, the acknowledged debt, against a fund of fifty thousand pounds, exceed two millions; yet even this debt is not stated as it ought to be. While I was in the government of Bengal, the amount of orders of Council on the treasury issued, and not paid, was always stated at the foot of the account. In this account that article is omitted; and I find by another paper that it amounted to current rupees 59,33,735, or above 600,000l. It is proper the House should be apprized, that heretofore these orders were always considered like bank notes, equivalent to ready money, and that they are hawking about Calcutta at four per cent. discount. The treasury of Fort William, in effect, is shut; or it is only open for the purpose of receiving money for draughts on the Directors. Neither is this all the debt in Bengal: A quantity of Treasury Certificates, of which the amount does not appear, are circulating at eight per cent. interest. Of these no notice is taken in the state of the treasury; though, in effect, they make part of the bonded debt, and ought to be added to it.

In farther support of his letter, Mr. Hastings has sent you an estimate of the probable receipts and disbursements in Bengal for five months, ending in April 1784. In the first place, Sir, a paper of
this

this nature, if it pretends to official authority, or if it lays claim to official credit, ought regularly to be recorded on the consultations, and transmitted by the Governor General and Council collectively to the Court of Directors. The forms of the Government established by law, both abroad and at home, require that course of proceeding, and acknowledge no other. But waving this objection, I insist upon another, which I have already urged against the estimate for the whole year, that it is not even now accompanied by that evidence, by which it ought to have been long ago preceded: I mean the account of the actual collections and disbursements of the preceding years. It is not, therefore, in my power, if I were ever so well inclined, to enter into the specific merits of this estimate, much less to ascertain the probable truth or falsehood of the credit given or taken in it. One observation only is sufficiently obvious, and that, perhaps, may be thought decisive. Mr. Hastings forms a partial estimate of receipts on the five most productive months of the year, for in some months the collections are very heavy, and in others produce nothing; yet he has been forced to leave an acknowledged balance of twelve lacks, or 125,000l. against even that conjectural estimate, and notwithstanding he has taken credit for twenty-five lacks, or 260,000l. for new draughts to that amount, to be drawn on the Court of Directors, and to be applied to the service of the five months in question.

These

These instances, I believe, may be sufficient to convince the House, that Mr. Hastings's judgement does not travel quite so fast as his imagination. Undoubtedly he is a person of uncommon abilities. No man knows them better than I do. No man has tried them more than I have done. And yet, Sir, it is a most singular truth, that, during his whole government, almost all his schemes have defeated themselves; that his most peremptory and deliberate political opinions were those, in which he has found himself most completely deceived; and that he has repeatedly been duped by the Indian Princes, who though far inferior to him in talents, have an advantage over him in other qualifications. On this subject I cannot appeal to better evidence, or to more powerful authority, than that of the learned gentleman opposite to me (Mr. Dundas). He has made himself master of all the late transactions in India, and has reported them copiously to the House. He will therefore support me if I am right, or correct me if I should be mistaken about the facts I am going to mention. For more than two years together, Mr. Hastings had studiously cultivated, and persuaded himself that he had gained the friendship of a Maratta Prince called Moodajee Boosla, the Raja of Berar. On the strength of a supposed concurrence of views and union of interests between himself and the Raja, Mr. Hastings, in the year 1778, formed a plan of conquest and ambition, the object of which was nothing less than to dismember the dominions of the Nizam of the Decan, and to subdue the whole Maratta empire. Mr. Hastings

tings entered directly upon the execution of his part of the project, but never, never, could prevail on his friend Moodajee to join him. On the contrary, it was discovered, after two years negotiation, during which the Raja paid many compliments to the profound wisdom of Mr. Hastings, that, during all this time, he had been employed in forming an offensive alliance between the Marattas, the Nizam, Hyder Ally, and himself, for the purpose of extirpating the English out of India. In the midst of the warmest professions of friendship for Mr. Hastings, this worthy Prince sent an army to the frontiers of Bengal, which Mr. Hastings was at last obliged to buy off with three hundred thousand pounds of the Company's money, besides a supply of subsistence while they staid. Allow me to mention another striking instance of the fallibility of Mr. Hastings's politics. He never could be persuaded that it was even possible that Hyder Ally should invade the Carnatic. He said then, what he does now of Tippoo Saib, that it was utterly incompatible with his views, interests, and political situation, to engage in a quarrel with the English power; and I confess he supported his opinion with so many plausible arguments, that I myself began to think he might have reason on his side. In three or four months after the delivery of these opinions in Bengal, Hyder Ally invaded and overran the Carnatic.

But I need not go back, for proofs of the facility with which Mr. Hastings suffers any favourite idea to mislead him. In the letter now before you, of the

16th of December, he assures the Directors *that a cessation of hostilities has taken place with Tippoo Saib, and that in all probability it would be followed by a confirmed peace*; and then he proceeds to assign many admirable reasons for concluding *that Tippoo Saib will not commit himself to a new scene of hostilities with the English nation*. Unluckily for the credit of Mr. Hastings's speculations, his second letter, of the 7th of February, completely oversets the first. *The negotiation for peace no longer promises success; the steps taken by Tippoo Saib leave little or no hopes of his acquiescence in the treaty, and the Government of Madras are endeavouring to get their army into the field as fast as possible.*

I am sensible, Sir, that I have trespassed too long on the patience of the House; and yet, before I sit down, I must solicit their indulgent attention to a few words that have a personal relation to myself. There are two kinds of misconstruction, to which what I have said may be liable, and against which I am very desirous to guard my character. As my remarks on the state of the Company's affairs certainly tend to place them in a point of view much less advantageous than that in which they had been represented by the Directors, it will be said by some, and may be believed by others, that I am a man hostile to the interests of the East-India Company. On this presumption, I shall be charged with ingratitude to my benefactors. One imputation leads to the other. I solemnly deny them both. Yet it is perfectly true, Sir, that to the Court of Directors I neither owe nor pro-

fess any gratitude, although for six years together they constantly and highly applauded my conduct. I owe them no obligation for empty promises of support and barren praises, pure and unmixed, as I have always found them, with any serious proof of their approbation. I am not singular in disclaiming a particular attachment to the Court of Directors. I believe Mr. Hastings feels himself still less indebted to them than I am. Neither do I profess any special devotion to the Court of Proprietors, I mean to the power that has generally predominated in that Court. They have almost uniformly supported the persons and the measures, which I have uniformly opposed.—But there is a third class of persons, completely distinct from the other two, for whom I profess and feel the warmest attachment, and to whose real interests I am equally bound by duty, by gratitude, and inclination. I mean the East-India Company; to whose service I owe the independence I possess, and even the ground I stand on at this moment. The constitution of the Company supposes no distinction between the body corporate and the governing powers of the India Company. But is it in fact impossible that such a distinction should exist? Is it impossible that measures ruinous to the true permanent interests of the corporation, should be advantageous to powerful individuals at the head of it? Perhaps I may be mistaken in supposing a possible separation of interests between the body and the head.—Perhaps I may have no right to affirm, that the one may be abundantly provided for at the expence of the other,

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and that such things may have happened in other societies. Whether this supposition be warranted or not, it is to the corporation of the India Company, that I hold myself indebted. Let me see distinctly what *their* service really requires, and I will engage to go as far as any honest man can go to promote it; I mean as far as the duty, that belongs to my present station, and by which I am attached to the community at large, will allow me.

The second sort of misconstruction, against which I wish to be guarded, is still more of a personal nature than the first. I should be sorry to be suspected of retaining a spark of personal animosity to Mr. Hastings. We are both, I believe, men of temper too warm to be capable of lasting resentments. Our contest is at an end, and the hostilities it produced expired with it.—Assuredly I feel no enmity to *him*, and I readily acquit him of harbouring any against *me*.—But it *may* be said, and I have no reason to think it *will*, that I avail myself of the advantage of his absence, to say more of him, than I would do if he were here. To this mean imputation, my answer is clear and conclusive. In the first place, I presume the House may have observed, that although Mr. Hastings is not here in person, he appears fully by his representatives. They are men of ability, and of very distinguished activity.—They cannot reasonably be accused of want of alertness to defend him, nor would it be an act of consummate prudence to provoke them. But I am persuaded, Sir, that Mr. Hastings himself would be the first to acquit me of any parti-

cular reluctance or unwillingness to oppose him face to face. In the six years that we lived together, his objection to my conduct was of a different nature.—He has often accused me of a determined pertinacity in opposing him, right or wrong, and never suffering any thing he said or did, to pass without an obstinate debate. At all events, Sir, it is not my fault, that Mr. Hastings is not here to answer for himself. No man, I think, who knows on what terms we stood in India, can possibly doubt, that if it had depended on *me* to recal him, he would not now have been so well represented as he is, but would have been here in person long ago. Perhaps I have said more on this subject than it required. I should not have mentioned it at all, but for a letter sent to me within these few days signed *Detecter*, in which I am threatened with vengeance, or with a severe inquiry into my own offences, if I dare say any thing to the disadvantage of that great absent man, Mr. Hastings. An anonymous letter is not worth notice. But since the suspicion it expresses may have occurred to others, I thought it incumbent on me to endeavour to remove it.

The Honourable Lieutenant-colonel *Cathcart* spoke to the following effect:—Mr. Chairman—I am not sufficiently versed in the subject of the finances of the East-India Company to trouble the Committee with my sentiments on that head.

Unless the right honourable gentleman over against me is pleased to cut me short by pledging himself to bring forward a bill for the regulation of India in
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the course of the present session, I propose to speak of that country in a different point of view.

I have not the honour of representing Mr. Hastings in this House — I have the honour to stand here the representative of a county in North Britain; as such, I shall do Mr. Hastings the justice to say, that I think his conduct during the long period in which he has been at the head of our affairs in India, has proved him to be endowed with superior and uncommon abilities, and that he has exerted these talents with zeal and rigid integrity in the service of his country, so as to entitle him to our warmest praises.

A perusal, Sir, of the official letters which have lately been published, from Mr. Hastings, and from the Supreme Council, to the Court of Directors, has convinced me, if possible, more strongly than ever, that a government ought to be vested in some one point in India which should really be efficient to control the several Presidencies.

That these Presidencies have not been obedient to what is called the Supreme Council, I think these papers likewise evince.

Surely until there is one main spring which can actuate all the subordinate wheels of government in these extensive and distant dominions, our affairs there can never flourish.

Nay, the public faith will be broke in every shape and on every occasion, and the country powers can never place any confidence in us.

Mr.

Mr. Hastings, in the letters I have alluded to, states, that the Maratta peace is established on a firm basis, which is likely to stand unshaken for a term of years.

I am happy to hear that opinion from such a quarter — It is generally believed that it is much for the interest of Madajee Scindia (the Maratta Chief who mediated the peace of Salbey) that it should be a lasting one.

There is a circumstance in one of these letters; which leads me to believe, that the politicians of the East do not think us ripe for destruction; at least that they suppose our affairs still to be retrievable.

Nizam Ali Cawn is said to have offered his assistance to bring about a peace between our nation and the Nabob of Mysore.

The Nizam is a Prince, Sir, whose conduct has hitherto been artful and cautious.

It cannot then be supposed, that he should step forward in this transaction, except upon an idea, that if the war should be kindled up afresh we would crush Tippoo Saib, and that at the ultimate settlement of the matter, he would either gain an acquisition of territory or of treasure.

I have risen, Sir, principally to request the attention of the House to a branch of reform in India which strikes me as eminently necessary; inasmuch, that I conceive, if a bill should be brought forward for the regulation of India, which was founded upon the extended information which the meritorious labours of many honourable members of this House have

have brought to light, that it would be inefficient unless it went minutely into the state of the government of the armies in the settlements of the East-India Company.

If that government remains in force as at present exercised, and if the British Legislature does not immediately interfere towards its alteration and amendment, it is my firm belief, that our possessions in the East will soon be dismembered from this empire.

Either, Sir, motives of humanity are to induce us to restore to the natives of India these territories which from avarice or ambition we have wrested from them, or motives of policy are to predominate, and we are to attempt by arms to preserve these distant provinces.

What step, Sir, upon this latter supposition can be of more immediate consequence than the regulation of those armies which we must maintain to secure the fidelity of many millions of subjects, whose hearts, God knows, have no reason to be impressed with sentiments of gratitude for favours already received under our government!

Or what, Sir, calls more loudly for the exercise of our humanity than the consideration of what comforts we can point out for those soldiers, who have embarked for that distant part of the world, in what was their duty to consider their King's and their country's cause?

While we talk here of zeal for the welfare of the State, they have proved theirs with the sweat of their brows and with their blood.

I must

I must apologise for a few words which I wish to speak in detail upon this subject, observing that I am induced to enter into these details from a conviction of their importance, and from hopes which I entertain, that whatever regulating bill is introduced will contain clauses for the remedy of the abuses I complain of, and which will render the interference of his Majesty's Secretary at War, or of the East-India Company efficacious in behalf of the army, which it occurs to me cannot be the case until the basis of a new military system is laid down by Parliament.

The British army actually serving in India is composed of his Majesty's troops and those of the East-India Company.

These component parts feel the necessity of union. From principle they wish to act in concert and harmony, but their views and pretensions are so widely different, that the most experienced officers who have served in that combined army are of opinion, that jealousies and heart burnings must exist in that corps until it is under one head.

I shall not enter into the constitutional question, whether the army ought to be under the Crown or the Company.—But as I totally coincide with those officers who insist, that we never can have an efficient army in India unless it is placed under one head, I have confined my thoughts on Indian service to the idea, that the military government should be solely in the hands of his Majesty, or totally under the Company.

It is almost superfluous to descant upon the merits of discipline, or that discipline alone ensures the success of any army.

The experience of all ages, of all nations, has demonstrated the truth of this assertion, and no where more forcibly than in India. The discipline of our army there, compared with that of the country powers, has been hitherto superior — To that source chiefly may be traced the accomplishment of many wonderful achievements which have been performed highly to their honour, by handfuls of troops in the service of the Company, opposed to the greatest disparity of numbers.

The country powers, Sir, are daily improving in the science of war; they have been instructed, they have been assisted by an European nation with which we have lately been in a state of hostility — That nation may possibly at some future period again instruct and assist them.

The effects which such an interposition would produce, will depend in a great measure upon our present conduct.

If, Sir, we adopt a judicious military system — If we proportion our European force to that which other European nations send to India, and proportion our European troops so as to be sufficiently numerous to give countenance to, while at the same time they keep in subjection our own native corps, then, Sir, when the hour of danger is at hand, shall we reap the fruits of such policy.

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Give me leave to suppose for a moment, that Parliament had ordained that the army in India in future, should be under one head: still there are other points to be settled relative to that army which are essential to its discipline.

The Commander in Chief, and other superior officers of the army, must have more weight than they have at present, to enable them to keep up the necessary subordination of the service.

What I am going to say upon this head, is not grounded upon an idea that the military ought to be emancipated from the control of the civil government.

On the contrary, I only wish that certain points might be rectified, which would enable the army to execute with effect the orders of the civil government.

According to the present regulations, the Commander in Chief of the Company's forces at the different Presidencies are, to a certain extent, permitted to recommend officers for promotion when vacancies happen under their command; but as the rule of seniority is strictly adhered to, this can hardly be deemed patronage.

The real patronage of the army in India, is the nomination of officers to the command of native regiments and to out-commands.

In these appointments the civil administration frequently, almost constantly, interferes.

This strikes at the root of discipline, by holding out encouragement to officers to seek for promotion
by

by intrigue, by interest at the Presidencies, and not by distinguishing themselves as soldiers in the field.

Far be it from me to cast, by this observation, any slur upon the officers actually serving the Company. I know, among them, many most respectable characters; many men who would do honour to any army; and they have the greater merit, because they have been reared in a bad school, under a bad system.

I do apprehend, Sir, that it would be a most useful amendment, if these nominations to commands and out-duties were in future vested solely in the heads of the military departments.

Then, Sir, officers would look up for the reward of their services to those men who were the best judges of their merit.

Then, Sir, commanding officers would have it in their power to reward merit, or punish demerit.

There is, Sir, as it strikes me, a defect in the present constitution of the Councils in India.

The Commander in Chief of all the forces in that country is the only military man, who, by act of Parliament, enjoys an unrestricted seat in Council.

The Commanders in Chief at the different Presidencies sit at the Boards on military and political discussions only. The bad effect which arises from this part of the present system is, that if the majority of these Councils chuses to discuss a subject which is really military, but which they please to term commercial or financial, they assume to themselves a right of excluding their military member from that

debate. Thus they may decide upon many subjects without the professional advice of that officer, upon whom most probably is to devolve the execution of the measure they have adopted.

There cannot be a line drawn between military and commercial, or financial matters, in India, which will not be liable to this species of chicane; therefore I conceive military men should have unrestricted seats in all the Councils, and at all the subordinate Boards; more especially as they would be but as one to three or four in Council, it cannot be argued that their ignorance on commercial or financial regulations would obstruct those measures which appeared judicious to the great majority of the Board, who would still be commercial men.

Nothing can illustrate the nicety of distinctions which exists in India between military and commercial, or financial business, than the statement of the following fact:

There is a large body of men in arms, paid by the Company, for the enforcement of the revenue, called Zebundys in some parts, and in others stiled Militia Sepoys. These myrmidons, Sir, are not strictly under military command; they are more immediately under the revenue department. This corps, Sir, has perpetrated a considerable part of those enormities which have been unjustly laid to the charge of the army.

Can there be a doubt that it is expedient that every man who bears arms of any sort ought to be under military discipline?

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If it is necessary, as I believe it is, that there should be a revenue militia, it ought to be inspected into by military men. This, Sir, would prevent much rapine, much cruelty ; but it would not prevent the militia from being totally under the orders of the civil administration, issued by the Councils to the commanding officers of districts, and by these officers to the militia. Then, Sir, over all our dominions officers might justly be made responsible for the conduct of every man in arms, whether a soldier or a revenue militia man.

I wish, Sir, before I sit down, to say a word or two concerning the execution of general military plans, in time of war, in India.

At present, Sir, if it is voted at the Supreme Council that the Commander in Chief of all the forces shall be deputed on service to any of the other Presidencies, he comes under the total control of the Presidency where he is sent to act.

Is it not, Sir, consonant to the nature of the human mind to suppose, that there would be a greater probability of the service being carried on with effect, if the Supreme Council could depute a General who should, during the exigency of the service, be emancipated from any authority but their own ; who would then execute plans which they had framed ; measures, for the success or failure of which they were responsible, and naturally more interested in than any other set of men.

While an officer is carrying on operations clogged by the interference of a secondary authority, how can his

his steps be marked with vigour?—Will it not be allowed, that in those distant and extensive provinces which are subject to us in India, frequent emergencies arise where vigour and decision are indispensably necessary?

I have stated, I believe accurately, evils which do exist in India. If I have gone beyond my depth in stating what I conceived to be their remedies, still I have been discharging my duty, by bringing forward matter well worthy of the consideration of many honourable members, whose experience entitles them to be better judges of the treatment which soldiers ought to receive. — Matter, Sir, which ought to be weighed by those gentlemen who have made the various arts and combinations of governing mankind in general their more immediate study. When these points are discussed, and finally settled, and not till then, our Indian armies will be efficient. The minds of the first officers in this country will be fired with ambition to serve in India. Then, Sir, his duty being simplified to him, the British soldier will pass his life in struggles with the intemperance of climate; will pass his life four thousand leagues from his parents, from the friends of his early youth; and torn asunder, Sir, from those tender connections which attach him to his native land, and he will forget, or, rather, without repining, bear with these disadvantages which he ought to know are unavoidably incident to the nature of his profession.

But, Sir, the Indian army have long groaned under unnecessary evils; for redress from which they
patiently

patiently look up for the interference of their Sovereign and of both Houses of Parliament. — I trust, Sir, for the honour of this House, that some system will soon originate within these walls, which will enable the Indian army to bless their Sovereign, to bless the Lords and Commons in Parliament assembled, for redressing grievances, for amending a system, which, I venture to affirm, if candidly and impartially examined into, will be found to have already unnecessarily impeded the service of the State and wantonly rendered miserable the lives of those who serve their country.

But, Sir, I will no longer trespass upon gentlemen's patience, by canvassing their attention to the cause of so numerous, so respectable a body of men as that of which I have spoken, and whose interests, whose welfare are so nearly, so deeply connected with their own. I shall only say, that if we do not profit by the experience of past misfortunes, we deserve to lose India. It does not require the gift of prophecy to foretel, that if we suffer the affairs of the East to roll on or to stagger on any longer in their present channels, or in any thing like their present channels, every gentleman here present will live to see the day when this country shall thereby be involved in war; or, at least, those of us who do not live to see such an event take place, must descend into our graves, conscious that the rising generation is doomed to, ever doomed to destruction, which our delays have entailed upon them. Let us not be lulled into security, because the sword is sheathed. This is the moment

ment for Great Britain to arm for war. Such measures are the most likely long to preserve to this country the invaluable blessings of peace, which I hope we now enjoy in the most distant quarter of the globe. Such measures bid fairest, Sir, to allay the thirst of our enemies for war; or, if they are still bent upon our destruction, to avert the effects of their plans, and to retort upon their own heads those blows they mean for ours.

Mr. Chancellor *Pitt* paid a handsome compliment to Mr. Catchcart for the information he had favoured the House with, and from which he should profit; after which he gave notice that he should bring in the new India Bill the 6th instant.

Major *Scott* said, I rise in this early stage of the debate, because I conceive myself particularly called upon by what dropped from the honourable gentleman * on the floor; and I do assure you, Sir, in a debate of this great national importance, it was not my intention to have mentioned a syllable about myself or Mr. Hastings. I sit in this House, not as the representative of Mr. Hastings, but as an independent member of Parliament, having a stake in this country, totally independent of Mr. Hastings, totally independent of the East-India Company, in whose service my acquisitions were very small, though I had the honour to serve them near sixteen years. The honourable gentleman says, he has received an anonymous letter, signed "Detector," in which the writer

* Mr. Francis.

threatens

threatens him with vengeance, if he opposes Mr. Hastings. The honourable gentleman, I am sure, will give me credit, when I declare to him, that I did not write the letter; that no man despises anonymous slanders more than I do, and that I never wrote a line in my life which I will deny, or for which I am not, at all times, ready to be accountable: but as the writer has assumed the signature of "Detector," I can assure the honourable gentleman, the person who addressed him is not the writer of those admirable strictures on the Reports of the last Select Committee of the last Parliament, under the same signature. The gentleman who wrote those letters is not in England at this moment; and I can hardly believe that any friend of Mr. Hastings would have descended to practise such a meanness. Having said thus much, Sir, I shall now offer a few remarks upon what fell from the honourable gentleman. He tells the Committee, they have no security that the same prodigality which has been practised will not be continued; and that the Company's orders relative to drawing bills, will be disregarded in future, as they have been in times past. Upon this subject, I shall ask the honourable gentleman one plain question: Is it not a fact, that from the year 1772 to 1780, a period of eight years, not a single bill was drawn from Bengal, except such as were expressly authorised by the Court of Directors? Is it not equally a matter of fact, that the bills drawn in 1781, and the following years, were for the express purpose of furnishing an investment for the Company? Is it not equally a matter

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of fact, that this was the only possible mode by which an investment could be furnished—and why? Because, in the last five years, no less a sum than seven millions two hundred and ninety thousand pounds sterling, or six hundred and fifty lacks of rupees, were sent from Bengal to Madras and Bombay, for the support of the war. At that period, Sir, when we were struggling for our existence as a nation in India; when there were opposed to us seventeen sail of the line, and six thousand of the troops of France; when we were at war with the Marattas, and Hyder Ally in possession of the Carnatic; when our armies there were paid and fed, in a great measure, from Bengal; is it extraordinary that Mr. Hastings was not able to appropriate any portion of the revenues of Bengal to the purchase of an investment? The question, therefore, is simply this: Was it better to take up money in Bengal for bills upon England, and to apply that money wholly and exclusively to the purchase of an investment; or that the investment for three years should have been discontinued? I am really sorry, Sir, to be under the necessity of mentioning the name of Mr. Hastings so frequently; but the honourable gentleman has reduced me to that necessity. I declare, I mean no disrespect to the honourable gentleman, when I say, that neither he nor Mr. Hastings are of consequence enough to attract the attention of this Committee for a moment, from the question before you. I give the honourable gentleman full credit for the purity of his motives; and I believe he no longer bears an enmity to Mr. Hastings; but what has the Committee now to do with their

their differences? We are upon a subject of the greatest national importance, and I really, Sir, am ashamed to lose a moment in the discussion of points that are purely personal. The honourable gentleman has gone through a variety of calculations, to prove that the Company is ruined past redemption; and that, at the end of the six years, it will owe nine millions sterling and upwards. If that is really the case, Sir, we are in a most deplorable state; but the honourable gentleman's calculations have ever been unfavourable to the Company, and its servants. Let any gentleman read his minutes, when first he arrived in Bengal, or his letter from St. Helena, or from his house in Harley-street, to the Court of Directors; I am sure I do not mean to impute to the honourable gentleman an intention to deceive; but it is his custom to state the Company's affairs in the most unfavourable point of view. Mr. Hastings, perhaps, may, on the other hand, be too sanguine; but without disputing the honourable gentleman's calculations, or entering into the intricacies of the China trade, I will beg leave to state the transactions in Bengal, as they actually happened in the last fourteen years [*Here a loud laugh*]. I beg the Committee will not be alarmed, for I will pass over these fourteen years in less than five minutes. Sir, the Committee will recollect, that in the year 1770, bills were drawn upon the Company from Bengal, to the amount of one million one hundred thousand pounds, at the recommendation of an honourable gentleman, not now a member of this House,—I mean General

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Smith,

Smith, and that this unexpected draft was made in a season of profound peace; the fact being, that after paying the civil and military charges, stipends, &c. there was not a sufficient surplus, at the end of six years peace, for the purchase of our investment in Bengal. This threw the Company upon this House for relief; and, to use the words of an honourable baronet *, relief and reformation went together. The Regulating Act of 1773 passed, to which we owe the services of the honourable gentleman in India. In April 1772, Mr. Hastings, by the appointment of the Company, became Governor of Bengal. At that period, Sir, the bond debt was one hundred lacks, and unavoidably increased to one hundred and twenty lacks soon after. Upon this system the Company could not be expected to go on: but what was the alteration produced in four years? Not only was the bond debt completely discharged, not only was an ample sum appropriated for the purchase of an investment, but there was actually a balance, in the Company's treasury in Bengal, of one hundred and seventy-seven lacks of rupees.—Will the honourable gentleman deny that this state of prosperity was the consequence of measures adopted by Mr. Hastings, previous to his arrival in October 1774, and which he pointedly condemned; or will he say, it was owing to the æconomical retrenchments which took place subsequent to that period?

* Sir Henry Fletcher.

I will not detain the Committee by an investigation of the Maratta war : it was as much condemned by Mr. Hastings, as by the colleagues of the honourable gentleman, General Clavering and Colonel Monson, whose names I ever have mentioned, and ever shall mention, with the utmost respect.

I am happy, Sir, on this day, to have the honour of seeing the noble Lord in the blue ribband : he will do Mr. Hastings the justice to say, the second Maratta war is not to be imputed to him. The noble Lord is fully acquainted with every step taken by Mr. Hastings ; he knows the intelligence he received from Europe, and the credit he justly gave to that intelligence *. Sir, the second Maratta war is solely to be

* A stronger proof of Lord North's sentiments cannot be given than this :—In August 1778, his Lordship received an account from Mr. Hastings of his determination to support Ragoba, as well in compliance with the Directors' orders, as because he deemed him then a proper instrument for counteracting the designs of our European enemies. In the same month the Secret Committee of the Directors, with the concurrence of his Majesty's Ministers, approved the plan. Yet, with full knowledge of this transaction and subsequent events, Lord North, in 1779 and 1780, proposed that Mr. Hastings should be continued at the head of the government in India. It is, therefore, exceedingly unfair that his Lordship should impute the Maratta war to Mr. Hastings, after having in fact *approved* of the small share he had in it ; and it is the more striking, because Lord North has very ably and very fully justified himself from the charge of being the sole author of the American war. When I impute Mr. Hastings's share in the Maratta war to the American war, I do not mean to throw a reflection upon Lord North ; but my argument, which is this, has not yet been answered. Had it not been for the American

be imputed to the American war; a fact I am ready to prove at any time. The right honourable gentleman*, who sits near the noble Lord, said, and truly at that time, that one consequence of the American war would be, our being involved in every quarter of the globe. The honourable gentleman has called upon the learned gentleman†, who sits below me, to assist him in exposing the wild schemes of Mr. Hastings: but will the honourable gentleman be pleased to recollect the ground upon which that learned gentleman proceeded? His argument was, “ Mr. Hastings has forfeited the confidence of the native Princes of India; they will not treat with him. He cannot make the Maratta peace, and therefore he ought to be recalled.” Will the learned gentleman now hold that language? Will the learned gentleman now say, that Mr. Hastings does not enjoy the confidence of the native Princes; or that, at a moment of difficulty and danger, he did not conclude the Maratta peace? What was the difference between the learned gentleman and the Court of Proprietors, with respect to Mr. Hastings? Not that Mr. Hastings was a delinquent: I never heard the learned gentleman avow an opinion of his delinquency. The learned gentleman conceived that the removal of Mr.

American war, the French would not have deputed an agent to Poona, whose arrival corroborated the truth of intelligence sent to Bengal from very high authority, to which it would have been criminal in Mr. Hastings not to have paid attention.

* Mr. Fox.

† Mr. Dundas.

Hastings

Haftings was neceffary to conciliate the minds of the native Princes of India, and for the eftablifhment of peace. The Court of Proprietors were of an opinion directly contrary; and experience has fhewn, that the Proprietors were right, and the learned gentleman wrong. Whether Mr. Haftings was, or was not, the author of the Maratta war; whether he gave too much credit to the intelligence tranfmitted to him from Europe or not; whether it was the act of a wife man, or a romantic attempt to march a detachment acrofs India, is by no means the prefent queftion. Let us confider what was our fituation previous to, and by the lateft advices from, India, in order to determine the degree of relief which may be granted to the Company.

In the heighth of the Maratta war Hyder Ally Cawn invaded the Carnatic. To preferve that important branch of our dominion in India, Mr. Haftings, at a moment when merchant fhips would not attempt a paffage to Madras, propofed fending 640 Europeans, and 15 lacks of rupees, to the Carnatic by fea, and Sir Eyre Coote nobly confented to rifque his high military reputation at the head of a defeated and difpirited army. Mr. Haftings alfo propofed to fend a very confiderable detachment to Madras by land—It was immediately formed, and joined Sir Eyre Coote before his fecond general action with Hyder; nor can I conceive, though the late Houfe of Commons condemned the tranfaction, that the march of this detachment through the territories of Moodajee Boofla,

was purchased too dear by the sum of money given to his son Chimnaje.

From that period, Sir, every possible assistance was afforded by the Supreme Council to the Government of Madras; and, after a variety of successes in a most difficult and arduous war, our army was besieging the French forces, in Cuddalore, when intelligence of the peace, which had saved this country, arrived in India; but was any possible exertion neglected by Mr. Hastings to feed and pay the army at Madras, or to enable the Bombay forces to make that diversion, which at the most critical moment of the war, drew Tippoo Saib out of the Carnatic?

Sir, the honourable gentleman, passing in silence over the dangers we have escaped; passing in silence over the difficulties we have surmounted; says, we have not peace with Tippoo Saib. I am not afraid of committing myself, by saying, that I believe we have peace with Tippoo Saib; and that I believe he is utterly unable to continue the war. I believe also, that his only chance for safety is in peace; but admitting, for a moment, that it is not concluded, have we a Maratta war now to support? Have we seventeen sail of the line, and six thousand land forces belonging to France opposed to us? Or is Tippoo Saib now in the heart of the Carnatic? We never can have such a combination to struggle with again; and, I repeat it, that putting together the intelligence from Tanjore and Bufforah, I believe that at this moment the peace with Tippoo is concluded.

Without

Without wishing to say any thing that may give offence, let us consider how the war has ended in different quarters of the world. In Europe we have lost Minorca; in America thirteen provinces, and the two Pensacolas; in the West Indies, Tobago; and some settlements in Africa. We have contracted a debt of 100 millions and upwards, and have lost above a hundred thousand men: but in India, Sir, we have preserved all our former possessions, and we have yielded up Chandanagore and all the French settlements in Bengal.—We have yielded Pondicherry,—Carical—and every settlement we had conquered from the French upon the coasts of Coromandel and Malabar. We have given back to the Dutch, Chinsurah, Calcapore, and their settlements on the coast, Negapatnam excepted. I should rather say, Sir, this nation has given up, and wisely given up, the conquests of the East-India Company, to prevent farther sacrifices where they would have been more felt by the public. The Company has contracted a debt during this long and arduous war, not equal to one year of its neat revenues;—and shall it be stiled a burden upon the state? or shall its servants, who have exerted themselves so meritoriously, be caluminated, instead of receiving the praise due to their merit?

But the honourable gentleman says, we have no security that œconomy will be practised in Bengal, except we argue in favour of future obedience, from past disobedience. If the fact is so, why, in

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the name of God, do you not remove those men who will not obey your orders? Is Mr. Hastings in the way of any scheme of reformation? Has he not expressly, and anxiously written, to desire that a successor may be sent out? I appeal to the noble Lord in the blue ribband, whether it has not invariably been the language of Mr. Hastings, "Remove me, or confirm me: the government of India should be supported by the Government at home; if you will not give me your confidence, recal me."

I, Sir, earnestly hope, that if his Majesty's Ministers, or if the Court of Directors will not give their confidence to Mr. Hastings, they will instantly remove him. I hope, Sir, if they conceive that he will not rigidly execute every order they send to him, relative to æconomical retrenchments, that they will instantly remove him. I have heard this language of Mr. Hastings's disobedience repeated in speeches; I have seen it inserted in pamphlets, and newspapers; but, when gentlemen are pushed upon this subject, they are obliged to have recourse to the stale charge of not sending Mr. Bristow to Oude, and Mr. Fowke to Benares. And here I must say, that whether Mr. Hastings is to be continued or not, or whoever goes out to succeed him, the government of India must be in India; and you must give up the ridiculous idea of appointing gentlemen to ministerial offices either from Leadenhall-street or this end of the town. The system is new, and destructive in the extreme, of pointing out to your Govern-
ments

ments in India, who they should employ in offices of trust and importance, and can answer no end, but that of a mischievous extension of patronage at home, with the more fatal consequence of destroying the vigour, energy, and responsibility of the government abroad. Will the honourable gentleman, or will any other honourable gentleman, mention a single order sent from this country, relative to economical retrenchments, or upon other subjects, which has been disobeyed in the latter three years? There was, indeed, a difference of opinion between Mr. Hastings and the Directors, relative to the duration of certain contracts for ensuring a supply of bullocks during the late war, which were concluded, at the recommendation of Sir Eyre Coote; but it is of a very old date, and will make no difference to the present argument.

I shall now, Sir, briefly state my ideas of what can be done in Bengal. You have authentic, official advice that the army in Bengal has been considerably reduced. You know that Colonel Morgan's detachment was, on the 23d of January, within 12 cofs of Gualior, consequently that by the 1st of February it would be on the banks of the Jumna, where it was instantly to be reduced. Admitting the peace not to be concluded with Tippoo, the services of the Bengal detachment at Madras were no longer necessary. I therefore believe most solemnly, that by the 1st of May every military expence of the Bengal army was brought within one hundred and ten lacks a year. Sir, it is the duty of the

Court of Directors, not to trust merely to this, but to point out specifically the reductions that shall be made, and to take care that the expence they authorize is not exceeded.

My estimate of military expences is considerably higher than the establishment of 1777. The civil disbursements are not estimated at more than thirty-nine lacks, including the expence of the Supreme Court of Judicature; but, allowing fifty lacks for the civil charges and the marine; allowing twenty lacks for stipends, &c. and twenty lacks for contingencies, beyond the very high rate at which I have stated the disbursements, and from the neat revenues of Bengal, Bahar, and Orissa, Benares, Vizier's Subsidy, and the profit upon salt and opium, including also the sale of our imports; there will remain a surplus of one hundred and fifty-seven lacks of rupees for the purchase of future investments, for paying the interest of the bonded debts of India, and for a gradual liquidation of the principal*.

* The actual receipts of the land revenues of Bengal, Bahar, and Orissa, for 1781-2, after paying every expence of collection, and independent of balances outstanding, were 212 lacks of Sicca rupees and a fraction; and of 1782-3, 209 lacks and a fraction; but to take it at the lowest terms:

C H A R G E S.

Revenues	-	-	209	Military	-	-	110
Salt	-	-	50	Civil and Marine	-	-	50
Benares	-	-	44	Durbar and Stipends	-	-	20
Vizier's Subsidy	-	-	32	Contingencies	-	-	20
Imports	-	-	10				
Customs	-	-	8				
Opium	-	-	4				

357

Balance 157 lacks.

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In stating the subsidy of the Vizier, I confine myself to the two lacks and sixty thousand rupees a month, which he pays for a complete brigade, by the treaty of 1775. But his Excellency is also engaged to pay twenty thousand rupees a month for every regiment of seapoys which he may chuse to station in his dominions, beyond the complete brigade; and a fixed sum for the ordnance department. At present there are six regiments upon this subsidy in the Vizier's dominions, which is so far a saving to the Company. If at any future period (of which I have no idea) the Vizier should wish to recal all our forces from Oude, the line of defence will be circumscribed, and a proportional reduction of the army will take place; and, should we again be brought within the Banks of the Carumnaassa—eighty lacks of rupees will amply provide for as large an army as will be necessary for our complete defence.

I perfectly agree with the honourable gentleman, that, from Bengal, the interest of the bond debts of India must be paid; and the principal liquidated, whenever it is liquidated. Yet, Sir, I have the authority of Lord Macartney for supposing, that on the re-establishment of peace, the Carnatic will bear its own expences, and furnish a cargo for Europe. I hope it will be so; and then it will be a relief to Bengal, which I have not yet calculated.

I did intend, Sir, to have made a few remarks upon the Report of the Select Committee now before us; and to have noticed two or three very glaring

glaring errors; but I shall leave this to other gentlemen, as I dare say the observations will not escape them.

I have the highest opinion of the integrity, ability, and impartiality of the gentlemen who compose this Committee; but, this, Sir, is an additional proof to me of the absurdity of a Committee of this House entering upon the intricacies of an Indian account, without having a single gentleman amongst them, who, from local knowledge, and long experience, could be enabled to point out to them the necessary papers and documents which they should refer to. The mistakes I allude to are so glaring, that I am astonished how they could have crept into the Report.

N. B. The mistakes alluded to were very fully explained by Mr. Smith. The first was where the Committee assert, that the charges of collecting the revenues in Bengal, appear to be 500,000*l.* a year less four years ago, than they now are; though the fact indisputably is, they are above 50,000*l.* less *now*, than they were *then*.

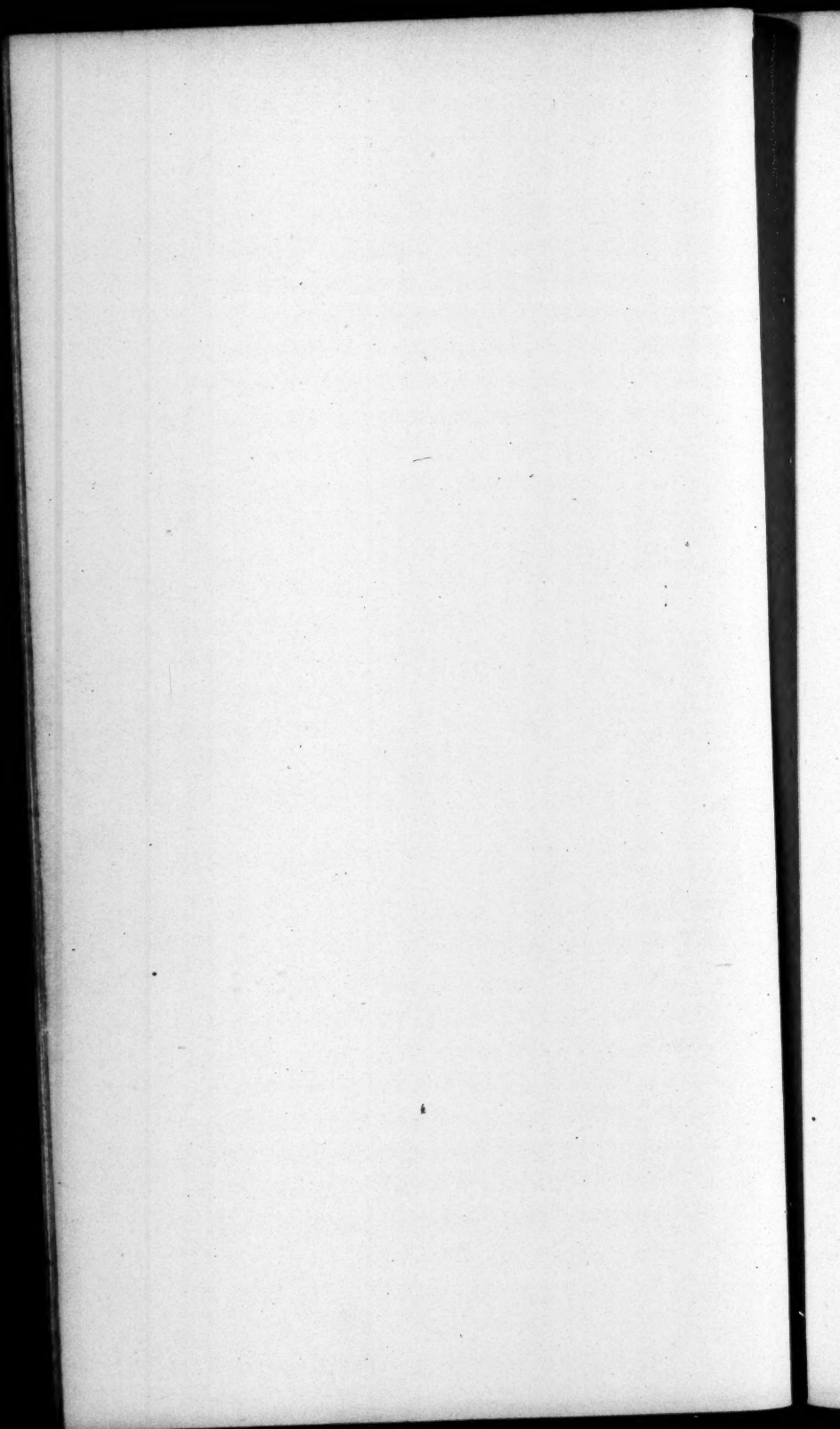
The next is, where the Committee draws a comparison between the civil charges in Bengal, in 1777-8, and 1780-1, and state, that in the former period they were 466,477*l.* and, in the latter 589,056*l.* the natural conclusion is, that there was an enormous increase of expences—no less than 120,000*l.*; but the fact is, the expence of the latter period was less than the former by 10,000*l.* and the apparent excess was occasioned by the sum of money
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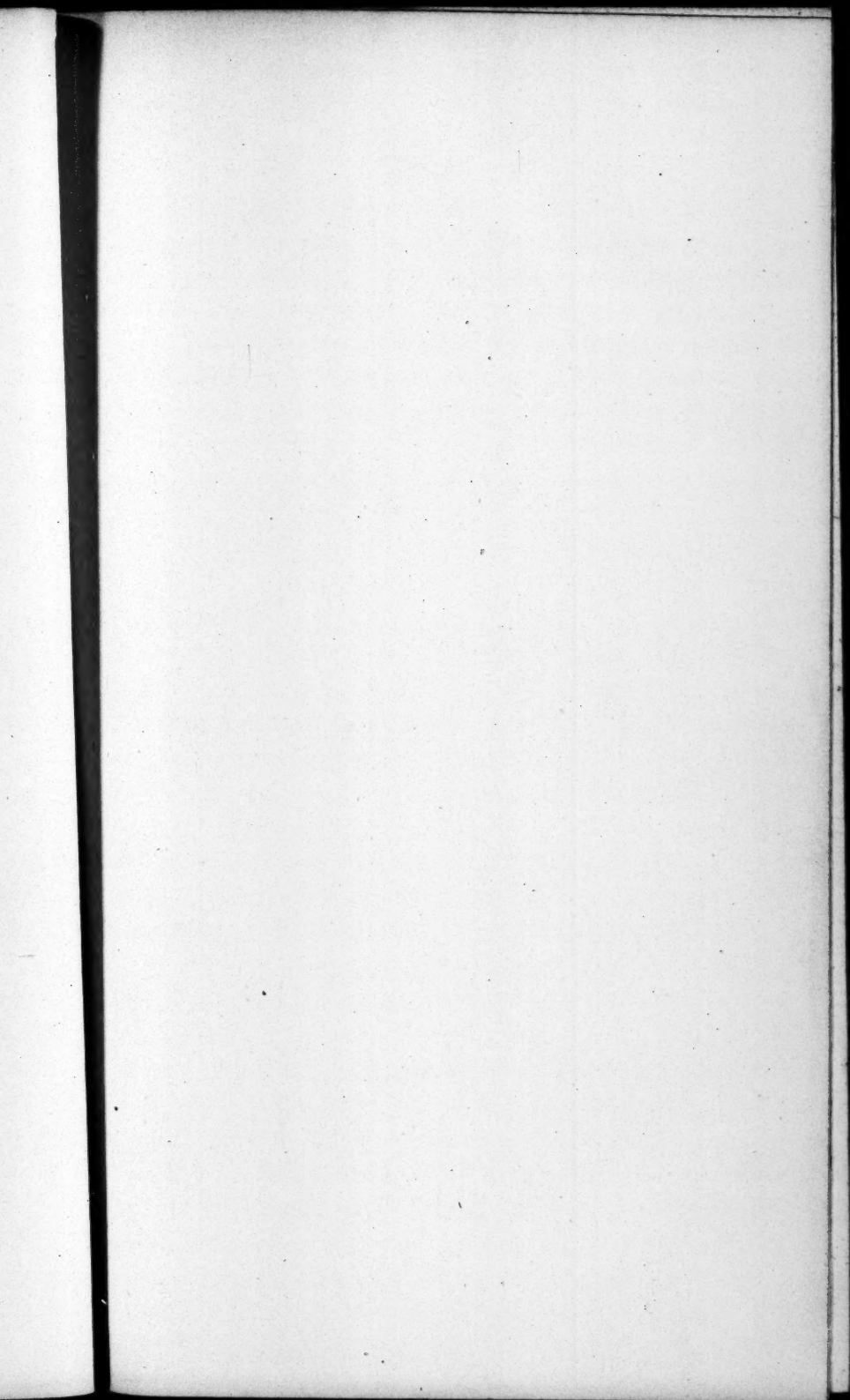
advanced in March, 1781, to Chimnaje Boosla, which was entered amongst the civil charges of 1780-1.

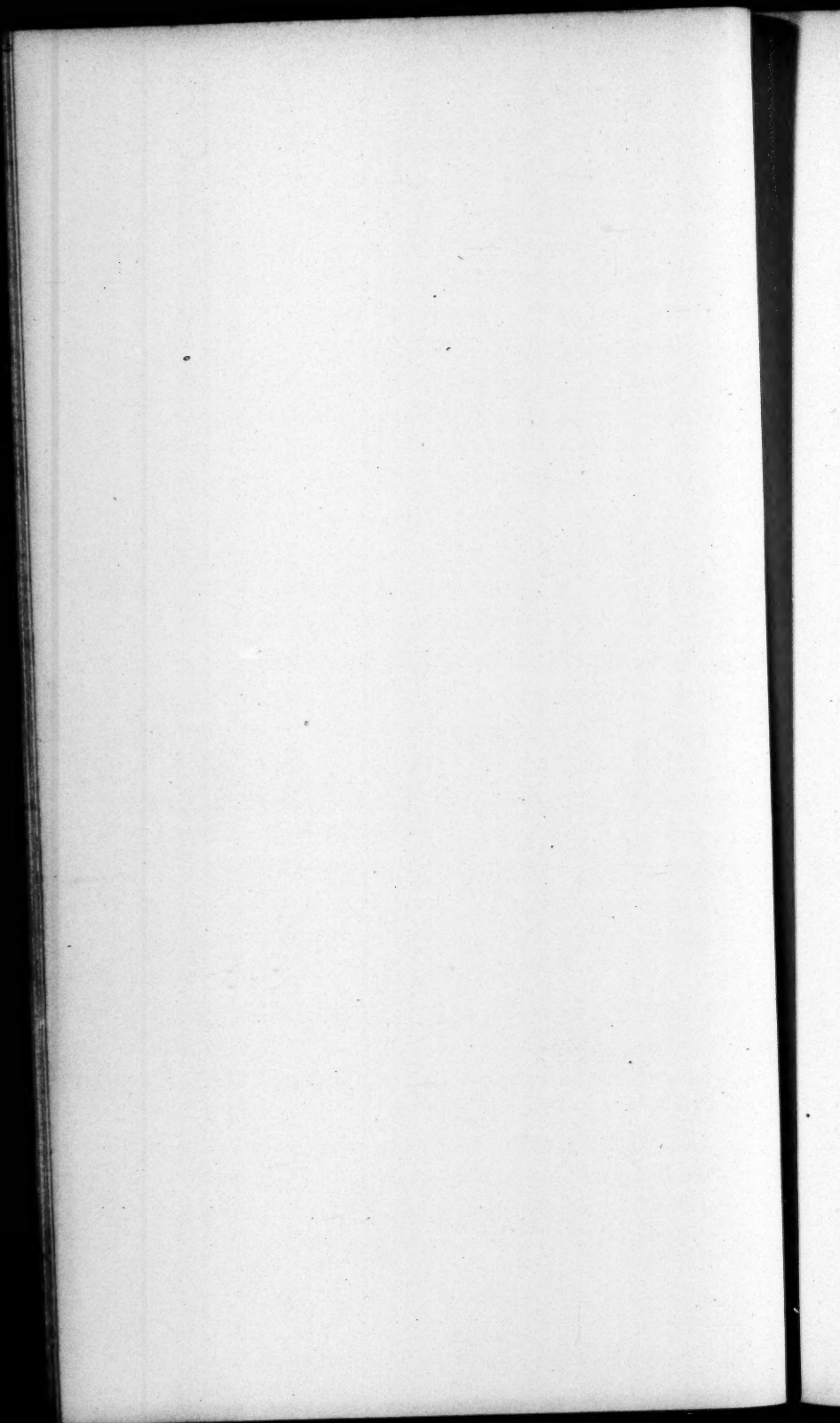
Lord *North* said, he should not have troubled the House, but two things stated by the honourable gentleman who had just sat down had made it necessary. The honourable gentleman had imputed all the expences incurred by the East-India Company, and all the bloodshed in India of late years, to the American war. The American war, his Lordship declared, had sins enow of its own to answer for, without being loaded with sins that did not belong to it; he begged, therefore, to deny the fact, and to assert, what he could assert with great truth, that the American war was in no degree chargeable with the burdens and calamities that had befallen India. When the war began with France, long after the American war was in existence, by the exertions of the British Government, Pondicherry was taken and dismantled, Mahe was taken, and Chandénagore was taken. The French were dispossessed and driven out of India; they had not a settlement in that quarter of the globe left to set a foot in. Afterwards, by the mismanagement of the Company's servants in India, the torch of war was lighted afresh in that country. Peace was not kept with the Marattas; we quarrelled with the Nizam, then with the Nizam's brother, and afterwards with Hyder Ally, who invaded the Carnatic; this invited the Europeans to carry their arms to India; this brought the French back again to the coasts of Coromandel, after they had been expelled from

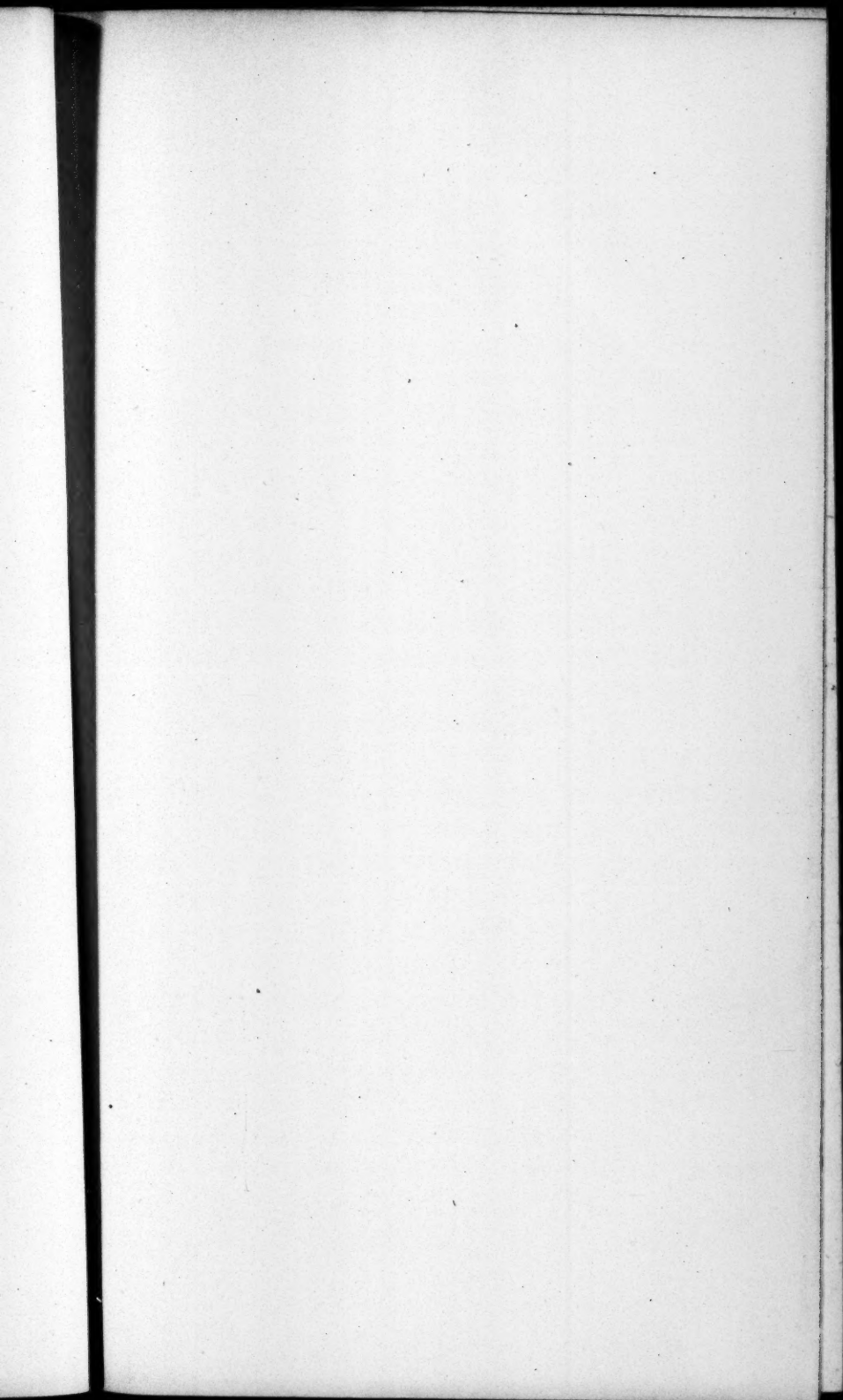
from every part of that quarter of the globe ; this brought the Dutch upon our backs in India ; and hence all the expence, all the bloodshed, all the disasters, that had happened there. The damage, therefore, that the affairs of the British East-India Company had suffered, had been owing solely to the rash, impolitic, imprudent and mischievous management of their servants abroad. With regard to the other point that the honourable gentleman had mentioned, viz, that Mr. Hastings ought either to have been recalled or confirmed in his government, it was undoubtedly true ; it was true likewise, that Mr. Hastings had even during *his* administration requested to be recalled. That he had not then been recalled, the honourable gentleman had said, rested with the noble Lord ; it had not, however, rested with the noble Lord, as the honourable gentleman had been pleased to term him ; the noble Lord had it not in his power to recall him ; some persons who sat near the honourable gentleman could tell him, that the noble Lord could not recal him ; nay, those who had much more power than the noble Lord ever possessed, found themselves unable to recal Mr. Hastings. That House, they all knew, endeavoured to recal him, and determined that he should be recalled ; but even that House, omnipotent as it was, had not been able to effect its purpose. The fact, therefore, undoubtedly was, as Mr. Hastings might boast, and as his friends and representatives might boast, and as the honourable gentleman had boasted for him, Mr. Hastings had repeatedly desired to be recalled ; Govern-
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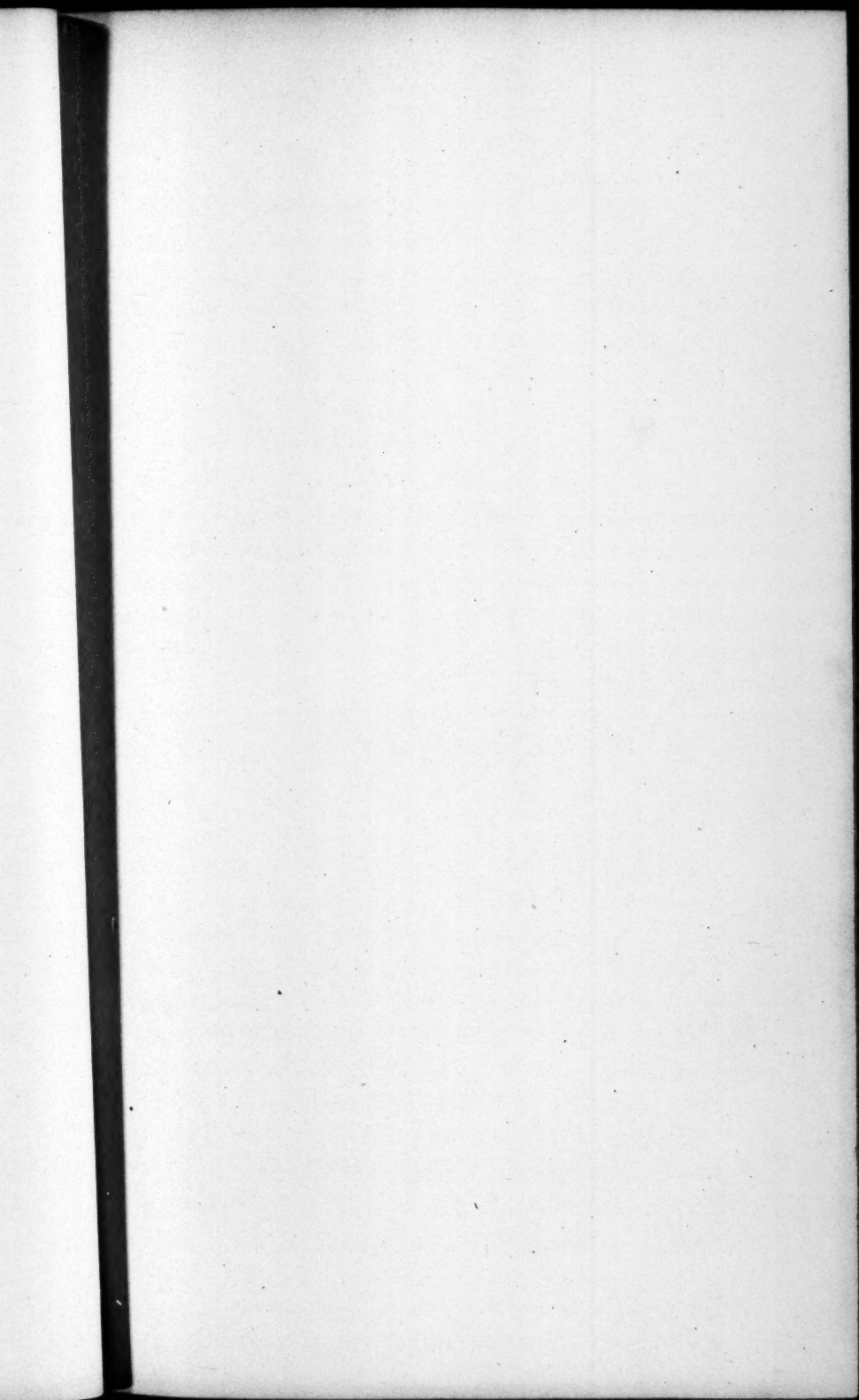












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observe, that the others, though less open to observation, were equally destitute of weight as to the consideration at present before the House.—The paper to which he alluded was the letter from Fort William, dated 16th December, 1783. “We have (says Mr. Hastings) supported your other Presidencies, not by scanty and ineffectual supplies, but by an anxious anticipation of all their wants;”—would not any person who perused that paragraph reasonably be surprized to hear that those Presidencies, all whose wants were so supplied, had incurred a debt of three millions; and that their bonds were now at 50 per cent. discount?—Again, “We have assisted the China trade;”—the remark here is, that the last letters from Canton complain loudly of the entire want of assistance.—Again, “We have provided larger investments from this Presidency than it ever furnished in any given period of the same length;” this is proved by bringing within a thirteen-months period, an account of the exports of more than two years.—Again, “In the prosecution of these services, we have sought but little pecuniary assistance from home.” “We have avoided drawing on you for supplies, &c.” This preface is best illustrated by the account in the Committee’s Appendix of three millions of bills from Bengal. On these strange and multiplied incongruities, he would only observe, that they were the picture penned from the painter’s imagination, like the Directors’ First Report, in a moment of sanguine speculation and wild enthusiasm, amidst increasing distresses and difficulties.

Mr. *Atkinson* began with declaring, that under the disinclination the House had expressed to pursue the debate farther at present, when they had indulged the right honourable gentleman who spoke last with the few minutes of their attention, who had introduced his speech, by desiring, he should not have attempted to take up the time of the House, had not the right honourable gentleman, running in a cursory way through nearly the whole subject, assumed, as uncontradicted and undeniable truths, almost all the points in the Report of the Committee, wherein it differed from the Reports of the Directors. That, very far from acknowledging obligation for the *gentle manner* in which the right honourable gentleman claimed the credit of having stated his contradictions of the Directors' Report, he laid in his claim to be heard on a future day, when he trusted he should be able to shew, that in every point where the two Reports contradicted each other, the Directors were in the right, and the right honourable gentleman in the wrong, and would not, unless it was their pleasure, trouble the House farther at present. Being called upon to go on, he proceeded to state the necessity of attending to the order of the House, upon which the Directors were to make their Report, and that it was confined to the degree of relief by postponement of duties and acceptance of bills, which, in the opinion of the Directors, would be sufficient for their affairs. Accordingly, he said, the Directors had stated an estimate of their receipts and payments in England, with as much accuracy, he believed, as the nature of the case admitted;

admitted; but had never professed *accurately* to state any estimate of their receipts and payments abroad, which was plainly impossible to be done with any exactness; therefore, under this last head, they had contented themselves with giving a *general* view of their revenues and resources abroad (independent of what they had computed upon, as applicable to their commercial investments,) and of the debts and services to which they were applicable, and had only drawn this *general* inference, that there was no reason to apprehend that farther bills would be necessary to be drawn in aid of those revenues and resources, seeing that whilst great difference of opinion might prevail about the degree to which those revenues would be productive, there was no reasonable ground to suppose the revenues, which before the war had produced a very large surplus, would not still produce *some* surplus, and that whether that surplus discharged the burdens upon it a little sooner, or a little later, was not very material to the propositions upon which the Directors were ordered to state their opinions; that this distinction, so necessary to the forming a just judgement on the subject, was wholly confounded by the Report of the Committee, who bringing their observations to one point, but professedly leaving any *conclusion* upon the estimate of receipts and payments out of their discussion, although it was the sole object of the inquiry, had, in a desultory way, thrown out a large mass of animadversions, tending greatly to grounds of general distrust, and had so obscured a plain subject, by confounding Indian receipts and

payments with those in England, and presenting lists and appendixes in such variety of forms, that none but those who were tolerably masters of the subject, could understand them. He would, he said, endeavour, as well as his memory would serve him, thus called upon on the instant, to give a distinct confutation of each head of objection which the right honourable gentleman had stated in his speech, leaving the rest of the Report to a future discussion. The Committee had charged the Directors with omitting to bring 172,000*l.* to the debit of their estimate for interest of the duties to be postponed, which by act of Parliament was payable at six per cent. and had been paid at that rate in former instances stated in their Appendix. He replied, that those instances were before the time that the State became *partner* with the Company, by taking three-fourth parts of their income, after payment of their eight-per-cent. dividend, and therefore, that the precedent did not apply, nor was the equity of the case any longer the same. That the charge would, to the extent of three-fourth parts, now be nugatory, seeing that it would, by just so much, lessen the sum to come to the Public, under the participation; and that if any thing was due, the sum was much exaggerated, seeing that the act, authorizing a claim of six per cent. interest for duties in arrear, not from the India Company alone, but from every body else, was passed, when the legal interest of the kingdom was at six per cent. which having, by a subsequent act, been reduced to five, the Company, in paying six since, had paid it in their own wrong; also, that the computa-
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tion was made upon larger sums of postponement than could be required to be postponed, and that, upon the whole of these and other circumstances, the Directors were justifiable in expecting that no such interest ought to be demanded. That they were also charged with having omitted to charge their estimate with 385,000*l.* for insurance of their expected imports at the peace premium of four per cent. To this he replied, that as the Company never insured, they could have no such payment to make, and therefore could not, without gross impropriety, have made any such charge in a cash estimate; but that it was not true that they had omitted it. They had plainly and clearly stated it in their Report, in the light in which alone it ought to be considered, as a deduction to an amount that could not be ascertained from the stock of goods to remain unsold at the end of the period of their estimate, and that, upon an average of twenty years, the losses had not amounted to four per cent. but only to two one-tenth; and the surplus of goods was so great, as to leave no room to apprehend that such losses could ever extend to the disappointments of their sales. He observed, that throughout the Report, it was in a vast variety of shapes suggested, that bills had appeared to a great amount, which were not provided for by the Directors' estimate; and that whether the Committee meant, in express terms, to make that assertion or not, they had so treated the subject as to convey that idea to the reader: he would, however, once for all, answer all those insinuations to the House—There did not, he said, exist,

exist, nor was likely to exist, as far as the Directors knew, a single bill not provided for by the estimate, save and except a chance, but he did not think a certainty, that fifty lacks of rupees might be drawn for next year from Bengal ; of which transaction the advice had arrived since the date of the Directors' last Report ; and, except that, a sum which had been stated in their last Report, as expected to be drawn from Bombay, and of which the amount could not then be known, was now known to amount to 42,000l. That great doubt was thrown upon the sales producing the sum of 3,300,000l. annually, at which he professed his astonishment, since even gentlemen of experience in the Company's affairs, who had taken a part against the Company in politics, had, he believed, uniformly concurred in opinion, that no doubt could be entertained on that head. That it was certain they should have a vast surplus of goods imported this summer ; that Europe was bare of them ; that the quality was unquestionably of late years much improved, and foreigners gave us a preference they had not heretofore done ; that the very transaction of fifty lacks, of which the advice was recently received, as above mentioned, went to the depriving foreign markets of goods to that value, which must increase the demand at our sales, and particularly, that the deficiency stated as likely to arise in Bengal raw silk, which, on an average of former periods, had contributed 240,000l. a year to the sales reckoned upon, and of which, it was stated in the Report, that only the value of fifteen lacks was to be imported this season,

season, was totally false ; for that, besides those fifteen lacks, there was the value of thirty-three lacks on board four ships arrived, or on the voyage, and about five lacks more of an old stock, besides an unknown proportion of thirty lacks laid out in raw silk and silk piece goods, but not explained how much in each, and consequently, that so far from a deficiency, there was already a clear supply for *the whole period* more than equal to the former average. He next observed, that the Directors were charged with having left out the sum of 100,000l. due to the public by act of Parliament, which they ought to charge to the debit of their estimate with six years interest. He replied, that they had in their First Report avowed their demand to set against it a much larger sum, which *since the passing that act*, a Committee of the House of Commons had recognized to be justly due to the Company from the public, and which he had never been able to discover any reason for withholding payment of, but that of the lion in dividing the prey. That he trusted the House would see it right to take the matter into consideration, and do justice. That the Company would never be found tenaciously persevering against the sense of Parliament; but it was the duty of the Directors to bring forward and defend their just rights till such decision. It was farther observed, that great doubt was expressed whether the Company's bonds in England could be kept in circulation to the amount of 2,000,000l. as allowed by law, especially as the plan of the Directors went upon an estimate of decreasing payments and increasing receipts.

ceipts. He replied, that he had ever thought decreasing payments and increasing receipts the very foundation of credit. That if the Committee supposed the Company's payments to their tradesmen was the only means of reissuing the bonds paid in as cash at the sales, it was a great mistake. There were many other ways, in which they could be sent to market, when it could take them off, and that they knew little of the nature of circulating credit, who supposed that they could be kept in circulation by any mode of forcing them out till it did. That there was every reason to suppose the unfunded debt of the nation, the enormous amount of which alone created the difficulty, would soon be reduced. That the Company had as yet sustained no loss or inconvenience, by their bonds being paid in, and that if it should become an inconvenience before the unfunded debt was reduced, gentlemen should not forget that there was a bank in this country, and wealthy bankers, to whom the Company might, in case of need, with great propriety, apply for a temporary loan on such security as India bonds, till the natural circulation of them should come round. That in answer to an argument drawn by the Directors, from their so soon extricating themselves from the embarrassment they were in about the year 1773, the Committee had stated, that they had then more goods in their warehouses than now, by about 2,600,000*l.* in value; but that, on the other hand, it was true that their floating and expected property in the present year was much greater than in 1773. On this he observed, that it might have tended

tended to give the House a more just idea of the matter if they had gone on to the state, that the expected importation exceeds the former by about 5,200,000*l.* being double the difference on which, to the discredit of the Directors' argument, they had animadverted. That it was asserted, that the Directors had made no provision in their estimate for the expences at Bencoolen, after the first year, which would bring an additional charge of 125,000*l.* upon the estimate. To this he replied, that they *had* made provision for it, and in the only way in which it could or ought to be estimated, viz. as a charge on the revenues in India, where they had expressly stated it in their First Report. That it was asserted, that certain treasury orders in Bengal, amounting to fifty lacks of rupees, must be added to the amount of the debt in Bengal. This assertion, he said, was, no doubt, a flat contradiction to the Directors' Report, but that, fortunately, it was in its turn flatly contradicted, by the very evidence adduced by the Committee in one of their Appendixes, by which it appears indispensably that provision is made for their discharge within the current year. That the Company's right to certain goods taken in the Dutch factories was objected to, on the score of claims made upon it by the immediate captors. To this he replied, that the claims had been justly treated by the government of Bengal as frivolous, and extending no farther than the Company's liberality might dictate, and that at any rate the payment, if any, would be a payment *in India*, and the goods were unquestionably on the voyage to England.

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England. That the claims stated against the Company for victualling his Majesty's fleet were perfectly unintelligible, as the law and the information of facts now stood; nor was it possible to form any judgement what sum was really due, either on this account, or on account of the pay of the army; but that both, when ascertained, must by law be paid in India, not in England, and must fall under the general unliquidated demands on the Company's property there, not of a commercial nature, and on the future revenues, and that they were so stated in the Directors' Report. That in answer to the ideas thrown out from all sides of the House, that the bills now under discussion were improperly drawn from India, and arose from the vicious system of conduct in that respect, he must beg leave to say, that no such thing was truth. The bills were all drawn for the purchase of cargoes for Europe, and for that purpose only. The war had consumed those resources, which, in common times, had afforded a fund for such purposes, and the cargoes could not, by any human means, be provided, without drawing the bills; the one was of sufficient value to pay the other; and, he observed, that taking the goods, the House was now gravely debating, whether they would allow the Company to accept the bills. On this head he appealed to the justice of the House, and represented the extreme injury to individuals, and the Company's credit, which arose from keeping the bills above a twelvemonth without any answer, whether they were to be accepted at all or not; and observed, that this

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was a much greater hardship to the holders than giving the additional interest, and accepting the bills as offered. He likewise observed on the mischievous tendency of these representations to create bad impressions on the minds of the bill holders. He defended the Directors from the imputation of negligence, in not having yet sent out a system of reduction of all the establishments in India, and enforced it by positive orders; and defended the servants abroad from the imputation of systematical disobedience of orders; and appealed to the candour of the House, whether it were possible for the Directors to take up such arrangements to any effect, while their affairs in Parliament remained unsettled: but he said, that he did with confidence maintain, that proper retrenchments *would* be made, because he knew enough of the sentiments of his colleagues in the direction to take upon him to say, that they *should* be made, as soon as the Directors could to any purpose take them up. These are the principal points that we recollect his having spoken to; and he ended with an earnest exhortation to the House, to lose no time in freeing the Company from the restraints imposed upon it, and to treat its affairs with that liberal justice which the important advantages derived to the state, through the medium of its institution and commerce, so well deserved.

Mr. Fox observed, that he was astonished to find that the Report of the Committee had this day been combated; he had fondly imagined, that a Report which had been unanimously agreed to by a Committee,

mittee, the majority of which supported the present Administration, and had differed from him in every question he had proposed relative to India, would not have been combated this day; he imagined it would have been admitted on all hands, that the fallacy of that account must be glaring indeed, when a Committee, consisting of persons who agreed scarcely in any one other thing, unanimously concurred in condemning the account laid before the House by the Directors of the East-India Company. He wished for a moment to enquire what that Company was; and as, while he was in office, he faced the danger which threatened first, and at last effected his downfall as a Minister: so now, when he had nothing to fear from the Company, it could not be expected that he would hesitate to speak his sentiments freely to that body. Who then were the East-India Company? Not the Directors, for they were avowedly only a representative body. Not the governors and officers abroad, for they were the servants of the Company. Not the Court of Proprietors, for they had, comparatively with the Public, a very small interest in the wealth and property of the Company: their interest went no farther than their dividend, which, at eight per cent., did not exceed 240,000*l.* a year. This was a small sum, when compared with the interest the Public had in the Company's prosperity; at that moment the Company owed the Public 1,000,000*l.* and the annual duties paid to the Public on the imports of the Company, were greater than the Company's dividend.

It had been said, that the Company was the conduit-pipe through which the territorial revenues were brought to England on the account of the Public; but in truth and in fact it might more properly be called the conduit-pipe through which the wealth of the Company's servants was brought home: he called them servants of the Company, in conformity to a mode of speaking which had generally prevailed, though it was well known that they were the masters, and not the servants, of the Company: this must have been the case, or a Governor General would never have dared to disobey the order of the Court of Directors, and give the audacious reason for his disobedience, that it was because it was their order. It had been said that orders not only might, but ought, sometimes to be disobeyed; he admitted the truth of the proposition; but he believed that instances of such orders were very rare: but, though a Governor General might disobey an order at one time, there could be no reason to justify him in disobeying it a second time, after his masters had condemned his disobedience in the first instance, and cautioned him not to disobey it a second time. And yet this second injunction had been treated with as much contempt as the first by Mr. Hastings, in the affair of Mr. Bristow; and when at last the Company thought proper to give up the point, he then did, to please himself, the very thing which he had refused to do in consequence of orders from the Directors. Mr. Hastings had a very bad or imperfect recollection of past transactions, as appeared

peared from his letters, where he said he had not drawn on the Company for any supplies, pleasing at the same time to forget, there were at this moment bills drawn by him, not yet paid by the Company, to the amount of near 5,000,000*l*. He was as little inclined to give him any credit for great foresight in his speculations in politics: for though he would have the Public think that peace was as good as concluded, and that Tippoo Saib would never dare to continue the war, he wrote word that Tippoo had recalled his ambassador from Poonah, and was preparing for war. Gentlemen ought not to take it for granted, that, because France was now at peace with us, and had withdrawn her troops from the service of Tippoo Saib, that prince could receive no assistance from them: he should be sorry to impute, and he certainly did not mean to impute, to the court of France any intention either to renew the war with us, or to give any underhand assistance to Tippoo Saib: but still it was possible, if it was the intention of that court, to give assistance in a thousand different ways, without appearing to violate the peace; nay the very circumstance of a French army being near his dominions, was in itself an assistance.— He admitted there might be some probability that Tippoo Saib would not continue a war which, to all appearances, would be contrary to his interests: but he bid gentlemen beware how they trusted to glosses given to the affairs of a country lying at so great a distance as India does from this kingdom: before any power in Europe declared for the Americans,

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people thought it probable that, perhaps, France might interfere, and take part in the quarrel; but every man in England thought it was impossible that Spain should ever enter into that war as an enemy to Great Britain, and consequently as a friend to the independence of America. Spain, however, did that which every man unacquainted with the great springs which set that monarchy in motion, fondly imagined to be impossible: why, then, might not Tippoo Saib do what appears to us improbable that he should do? and which appears improbable, only because we are unacquainted with the disposition of the neighbours of that prince.

Mr. Fox concluded by expressing his anxiety to see the new bill for new modelling the East-India Company: He still thought his own bill the best; but he recommended it to the right honourable gentleman to take away the powers of mismanagement from the Courts of Directors and Proprietors, and from the servants abroad. The Company was at present a sink of corruption and iniquity; and, let the right honourable gentleman do what he would with the patronage, he would be satisfied, if it was taken from the Company: for his part, he had rather neither the Directors nor the Crown had it; but, if of two evils he must chuse one, he had rather see the patronage at the whole disposal of the Crown, than continued in the hands of those who had always most shamefully abused it.

Mr. Dundas said he would not have risen at that late hour of the night, had he not been so particularly

larly called upon and alluded to by different gentlemen in the course of the debate; but though he, for that reason, thought it necessary to rise, he did not mean to go into a discussion of the several subjects that had been touched upon, to any great extent. He said his chief view in rising was to endeavour, at least, to bring the minds of gentlemen back to the question, which simply was, Whether relief should be given to the East-India Company, as far as regarded the situation of their affairs here at home? This question, he conceived, rested entirely on grounds more immediately within the general comprehension of the House, than the vast variety of topics that had been stated and discussed, with regard to the situation of the affairs of the Company abroad, the state of their bond debt in Bengal, the probable investments that would be made for some years to come, and how far their claims upon certain renters in the Carnatic were likely to be satisfied. The information the House had before them, and which had not only given occasion to the present question's being moved, but which also formed the sole grounds the House could decide upon, arose out of a petition of the East-India Company, asking a farther respite of duties, and a Report of the Directors of that Company, stating the condition of their affairs, together with a Report of a Committee of that House, alledging certain facts as the result of the investigation they had been employed in conducting. Among the other causes of his having been appealed to in the course of the debate, one had been on ac-

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count of his having acted as a member of the Committee that made the Report, stating certain comments upon the Report of the East-India Directors. With regard to that circumstance, he had little share indeed in the drawing of the Report, which was chiefly formed out of materials collected by others, who with great industry, ability, and judgement, had made a considerable progress in digesting the account of the facts stated to the House as the result of their investigation, before he was chosen a member of the Committee. Not that he meant, by saying this, to shift from off his shoulders any responsibility that might be thought to belong to every individual member of that Committee; he meant merely to disclaim any of the merit that the Reports were entitled to; acknowledging, at the same time, as it had his complete concurrence, he was chargeable in common with the rest of the Committee with its demerit. The materials of the Report, however, having been for the chief part collected before he was upon the Committee, the best way of discharging his duty he felt to be, by comparing the facts selected to be reported, with the information and the evidence whence those facts had been adduced; and, upon finding that the one fully bore out the other, he had joined in opinion with the rest of the Committee, that those facts were fit to be reported. The Committee, Mr. Dundas said, had been unanimous in confining themselves to facts solely, and in not annexing opinions upon those facts; this they had been induced to agree to, from its being evident, that

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upon the same facts there might be different opinions ; and, therefore, to have gone into opinion would have led to endless controversy. Having thus explained what the Committee had limited themselves to in preparing the Report, he said he held himself as free, in consequence of what he had mentioned, to discuss the facts stated in the Report of the Committee, and to reason upon them, as any gentleman who had not been of the Committee. He then entered into a consideration of several of the remarks and animadversions upon the Report, made by Mr. Atkinson,—admitting the propriety of some, and denying that others were founded. After going through this discussion, he said the short question was, Were that House willing, in consideration of what they knew of the state of the East-India Company's affairs, to afford the Company that relief necessary to the carrying on of their trade ; or were they, from an idea that the Company's affairs were in an unpromising condition, ready then to clap hands on the goods in their warehouses, and to recover the money due to the Public for duties, by an immediate sale of such of the property of the Company as was then capable of being attached ? For one, he declared, he had not the smallest difficulty in saying, he was not ready to give his consent to any such attachment ; but he was, on the contrary, perfectly ready to join in affording the Company the relief the exigency of their affairs at home prayed for. He entered into an explanation of the nature of the relief that the Company had petitioned for, and

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shewed the reasonableness of the requisition on the part of the Company, and the safety with which that requisition might be complied with, on the part of the Public. The respite of duties was all that was asked; and as a security for that respite, the public would have the satisfaction of being certain, that the Company's warehouses were so full of goods, as to contain a sufficient quantity to furnish an annual sale, to full the usual amount of the Company's sales, for three years to come; and a prospect, scarcely liable to failure, that those warehouses would be fed with a supply of goods from India, fully equal to the continuance of the Company's sales, for three years longer than the three years immediately commencing. Add to this, that the satisfaction would have so much solidity in it, that the goods of the Company in their warehouses would, during the whole six years, be liable to attachment at the suit of the Public, at any time that the Public should think their safety, as creditors of the Company, required such a proceeding.

Mr. Dundas having thus briefly, but plainly, stated the real case between the public and the Company, went into a copious, but clear, discussion of the principal reasonings that had been held in the course of the day, on the state of the Company's affairs, and the probable chance, should peace continue, of their emerging speedily from debt, and growing rapidly into wealth.

In the progress of this discussion he replied to several of the arguments of Mr. Francis, Mr. Scott, and Mr. Fox, and answered the appeal that had been

made to him, relative to the opinions he had formerly delivered on the subject of Mr. Hastings's conduct, in very manly and direct terms. He observed, that he had been charged, on the one hand, with not having carried the declarations of his opinion upon the conduct of Mr. Hastings far enough; and on the other, with having pushed them too far. This was, he said, precisely the situation he should be most ardently desirous of standing in with regard to Mr. Hastings, viz. between the two extremes; and to be considered as neither a harsh censor of that gentleman, nor as too enthusiastic an eulogist. His opinion of Mr. Hastings at that moment was exactly what it ever had been. He acquitted Mr. Hastings most decidedly of having caused the Maratta war; but he thought Mr. Hastings to blame for not having put an end to that war sooner, by means of the treaty of Poorunda. While he passed so much blame on the conduct of Mr. Hastings, it was a debt of justice that he should declare, when the Carnatic was invaded Mr. Hastings proved himself a man of resources, a man of a vigorous mind, and an able chieftain, by the exertions he made for the relief of Fort St. George. It ought to be remembered, that at the moment when the Carnatic was so unexpectedly invaded, had not the ill conduct of Hyder Ally, his timidity, or want of confidence in his army, or some unknown cause or other, prevented his marching his troops up to the walls of Fort St. George, Madras must have fallen. At that critical period, when the other Members of the Supreme Council at Bengal met

met again and again, and parted in despair, without resolving on any measure whatever, Mr. Hastings alone determined on a vigorous effort to retrieve the desperate affairs of the Company in India; and there was not a doubt, but by spiritedly carrying the bold enterprize he determined on, by his famous minute of Council, into speedy effect, he saved Madras. Mr. Hastings also, Mr. Dundas said, had all the merit he assumed in his letter of the 16th of December last, of having, on many critical occasions, supported the other Presidencies by a prompt and liberal relief. Having done Mr. Hastings justice, Mr. Dundas recurred to other topics. Before he concluded, he took notice of what Mr. Fox had said, relative to the bill intended to be brought in for the regulation of the government of India. He said, it would not be similar to that brought in by the right honourable gentleman himself before Christmas; but would be a bill, giving energy to the laws already in being, and obliging Government to act upon those laws, and to act upon them with vigour, instead of letting them remain tied up as musty rolls of Parliament, perfectly useless upon the shelves of the office of the Secretary of State.

Sir *Gregory Page Turner* declared the credit of the country at large, and the credit of the East-India Company, were nearly related; that the latter was cousin-germain to the former, and that both ought to be supported: he hoped, therefore, the House would grant the relief required by the Company. He threw out some assertions about the Company's dividend

dividend that were not extremely easy to be comprehended. He also said, he should support the bill Mr. Pitt should bring in for the regulation of the government of the East-India Company's affairs, because he declared he had confidence in the right honourable gentleman, and was thence persuaded the bill would be a good one. He apologised to the House for having taken up a moment of their time, and declared he should not have done so, but for something that had fallen from the lips of that right honourable gentleman. He did not pretend to be a match for that right honourable gentleman in point of talents; he knew he was an insignificant individual: but he was nevertheless an independent Member of Parliament; and as an independent Member of that House he had a right to speak his mind.

Mr. *Dempster* said, he had been perfectly astonished at the declaration, relative to the Report of the Committee, of which he had been an unworthy member, that had been made by an honourable gentleman, who, though he had spoken with great ingenuity, had, in his judgement, expressed more plausibility than argument. The honourable gentleman had declared, that there was no one part of the Report that was not founded in error, and that he would prove it. This promise, however, the honourable gentleman had not kept: and he was not surprised at it; for a Report framed with more pains, or drawn up in a greater stile of candour, he believed had never been laid upon the table of the House. Every thing that was fair and liberal had marked the
conduct

conduct of the Committee. They had endeavoured to hold a consultation with some of the Directors, and to learn from them, whether the facts that the Report proceeded upon, were as they understood them or not: but this plan had been prevented by those Directors insisting on having the questions the Committee wished to ask them stated in writing, and then refusing to answer them, till they had carried them to the other Directors, and taken the opinion of those who formed the Directors' Report of the state of their affairs. This, the House would see, could not be complied with, because it would have led to such a length, and cost so much time, that no Report could have been completed so as to have been presented that session. Mr. Dempster said farther, that when the Committee were intent on the most important part of their duty, he had been called away to attend an Election Committee. He had no claim, therefore, to the praise due to the framers of the Report; but he was persuaded, they had great claim to the applause of the House and of the country. He reminded the House, that his friend Mr. Fox did not mean to refuse the East-India Company the relief they stood in need of: he only wished, that the regulation of the government of the Company's affairs might precede the relief. That request was certainly reasonable. There was one circumstance, Mr. Dempster said, that had fallen from his right honourable friend, with which he differed; and he was sure beforehand, that when he did differ from his

his right honourable friend, he must be in the wrong. The circumstance he alluded to, he said, was, Mr. Fox's expressing of a wish, that the East-India Company was in the hands of Government. He begged leave to deprecate that idea. Rather than see the East-India Company's affairs in the hands of Government, or, in other words, in the hands of the Crown, he wished it to continue where it now was. Much rather should he see it ever so egregiously mismanaged by the Court of Directors, than ever so well managed by the Crown. The moment the Crown got it into its hand, there was, from that moment, an end of the liberties of this country. Perhaps, after all, the idea he had formerly suggested respecting India would be found to be the most reasonable and the most advantageous. Abandon all thoughts of adapting any government to it. Give up the sovereignty, and let it remain an independent state, connected with us by ties of commerce. Such a connection would prove infinitely advantageous to Great Britain; while all projects of a British government applied to India were utterly impossible to be carried into effect. It was impracticable for this country, at so great a distance from India, to govern it with any advantage, either to the natives, or to the benefit of Great Britain. We might talk of our feelings for the natives of India, of our humanity towards them, and our affection for them, and our tender regard for their interests. Those assertions would be found to be mere words and empty air. It was not

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in human nature to carry the theory into practice: We might talk of it, but we could never accomplish it.

At length the question was put and agreed to.

July 6.

Major *Scott* observed, that in looking over the Appendix to the Report of the Select Committee, he expected to find an account of the supplies sent from Bengal to Madras and Bombay during the war, but as the account was not included, he would move for permission to bring it forward, for two reasons; the one, because it would appear that above 7,290,000*l.* had been sent for the support of the war from Bengal, in five years. The other, that it would tend to convince gentlemen how capable Bengal was of paying off its present incumbrances, and assisting the country, if we enjoyed a few years peace; for the Major observed, it was a fact which did not admit of dispute, that the revenues of Bengal and its investments had been considerably improved during the war. Major *Scott* then added, that perhaps what he was going to say was not strictly regular, but it had been mentioned by a right honourable gentleman not then in his place, in the last debate, that though gentlemen of a certain description in the House might not be remarkable for abilities, they certainly were formidable from their numbers. The first observation he would not presume to dispute. The second he would deny, by an appeal to facts; for though this assertion had been re-

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peated in all the newspapers, in pamphlets, and in one in particular lately published, entitled, A Representation to His Majesty, he could assure the House, that from a strict examination of the lists of the late and present Parliament, he found that there were fewer of those gentlemen who compose the *India members*, as they are called, by two in this Parliament than in the last, at the commencement of the session, as appeared from an accurate list which he then held in his hand*.

Two

* A list of India Directors, Captains of Indiamen, Ships Husbands, in the late and present Parliament :

LATE.

Richard Barwell,
Thomas Farrer,
Sir Henry Fletcher,
Hon. E. Moncton,
Sir Hector Munro,
Sir Robert Palk,
John Peachey,
C. W. B. Rous,
Sir Thomas Rumbold,
Sir Francis Sykes,
John Webb,
N. W. Wraxall,
H. J. Strachey,
Paul Benfield,
Robert Gregory,
T. Bates Rous,
Captain Rumbold,
General Smith,
J. M. Smith,
George Strattan,
S. Durand,
Sir Richard Hotham,

PRESENT.

Richard Barwell,
Thomas Farrer,
Sir Henry Fletcher,
Hon. E. Moncton,
Sir Hector Munro,
Sir Robert Palk,
John Peachey,
C. W. B. Rous,
Sir Thomas Rumbold,
Sir Francis Sykes,
John Webb,
N. W. Wraxall,
H. J. Strachey,
James Amyatt,
John Call,
Philip Francis,
John Hunter,
Robert Preston,
John Scott,
Nathaniel Smith,
George Vansittart,
D. Walkinton,

John

Two gentlemen had been elected lately, and sat one on each side of the House, and at this moment there were precisely the same number of gentlemen who had served the East-India Company in any capacity at home or abroad, in this Parliament as there was in the last.

Mr. *Eden* did not rise to oppose the wishes of the honourable member. If those people who had been in India, and on their return home had been elected members of the House of Commons, were the gentlemen, and no others, whom he nominated *India members*, his position, under such restrictions, might be admitted. But there were surely other persons intimately connected with the India Company, who did not belong to that description. If therefore the honourable member thought the paper he held in his hand decisive on the point, as essential to his own convictions and those of the House, he would not oppose its being laid on the table.

The matter dropt here.

L A T E ;

John Macpherfon,
George Graham,
Stephen Lushington,
Jacob Wilkinson,
George Johnstone,
John Townson,
Samuel Smith, junior,
Sir William James.

P R E S E N T .

Edward Cotsford,
L. Darell,
John Grant,
W. Devaynes,
Richard Atkinson,
Francis Baring,
Paul Le Mesurier,

30. Samuel Smith, junior. 30.

Lord Clive and his friends are not included in this list, nor Mr. Townson, who is out of the direction, by retoration; however they are noted by the Major, lest it should be thought they belong to what is called the India interest in Parliament.

Mr. Chancellor *Pitt* rose to open his new system for the government of India. No one, he said, could be more deeply impressed than he was with the importance of the subject on which he was then going to enter: in whatever point of view he considered it, he felt that no subject could possibly be more interesting. In this business were involved the prosperity and strength of this country; the happiness of the natives of those valuable territories in India, which belonged to England; and finally the constitution of England itself. India had at all times been of great consequence to this country, from the resources of opulence and strength it afforded, and that consequence had, of course, increased in proportion to the losses sustained by the dismemberment of other great possessions; by which losses the limits of the empire being more contracted, the remaining territories became more valuable. He was aware that nothing could be well more difficult than to digest a plan, which should at once confirm and enlarge the advantages derived to this country, from its connections with India; to render that connection a blessing to the native Indians; and at the same time preserve inviolate the essence and spirit of our own Constitution, from the injuries to which this connection might eventually expose it. Gentlemen would recollect with a degree of horror, to what dangers that happy constitution was exposed last year, when a bill was introduced into Parliament, which would have established a system, dangerous to every thing that Englishmen held dear: they would recollect that
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the liberties of this country had well near suffered shipwreck : the danger, however, was happily over ; and the Legislature had now an opportunity to consult about the means the most likely to reconcile and secure the interests of the people of this country, of the people of India, and of the British Constitution, as far as it might be affected by the connection with India. To his lot fell the arduous task of proposing to the House a plan, which should answer all these great purposes : he was aware that no plan could be devised, to which some objections would not lie ; he was aware that it was not possible to devise a plan that should be free from imperfection ; he should therefore console himself if he should be able to suggest the means of doing the most good to India and to the East-India Company, and the least injury to our Constitution. In the arrangements that he should propose, it would be impossible to proceed, without giving to some body of men an accession of power ; but it was his duty to vest it where he should have reason to think it would be least liable to abuse ; at the same time that it should be sufficient, and not more than sufficient for all the purposes for which it should be given : sufficient to secure to this country the wealth arising from the commerce of the Company ; to the inhabitants of Hindostan, peace and tranquillity ; and to enforce obedience on the part of the servants of the Company, to the orders that should be sent to them from home.——In framing such a system, he thought it his duty never to lose sight of this principle ; that though no charter could, or ought, to supersede state-necessity,

necessity, still nothing but absolute necessity could justify a departure from charters: he admitted that charters ought not to stand in the way of the general good and safety of the country; he admitted that no charter ought to be suffered to stand in the way of a reform, on which the being or welfare of the country depended; but at the same time he contended, that a charter ought never to be invaded, except when the public safety called for its alteration: charters were sacred things; on them depended the property, franchises, and every thing that was dear to Englishmen; and wantonly to invade them, would be to unhinge the Constitution, and throw the state into anarchy and confusion.

With respect to the India Company, its affairs were not in a state that called for a revocation of the charter; the necessity which would justify a revocation, did not exist in this case; and he felt no small degree of satisfaction in the assurance, that at the moment when he had to propose such measures for the future government of India, and the conduct of the affairs of the East-India Company, as to his judgement appeared most applicable, there no longer existed any danger of the best and most sacred rights of Englishmen being made a sacrifice to the ambitious projects of those, who under the necessity that actually existed, had taken the desperate resolution that nothing short of measures of the most decisive and extreme nature, and measures far exceeding the necessity of the case, could be effectual. He thanked God so great a sacrifice had been escaped, and he trusted that the
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sense plainly and incontrovertibly declared to be entertained upon the subject by the majority of the people of England, would prove to be the sense of the majority of that House, and that they would join with him in opinion, that although it must, on all hands, be admitted, that there did exist a great and urgent necessity for the interference of the Legislature with regard to the East-India Company, and the future government of our possessions in India; yet, that neither state policy nor common prudence called for the Legislature's proceeding beyond the limit of the existing necessity, much less of going the length either of destroying the rights of any individuals or bodies of men, established upon the most sacred of all foundations, the express words of solemn charters recognised and confirmed by repeated Acts of Parliament, or of directly changing the Constitution of the country, and departing from those known principles of government, which the wisdom of our ancestors had provided, and which had proved for ages the uninterrupted source of security to the liberties of Englishmen. It was, he said, to be acknowledged on all hands, that no rights of any body of men, however confessed to be rights of the most sacred sort, could supersede state necessity. To that, and that alone, they must give way; but then it ought ever to be a rule of conduct with those, to whose lot it fell to act under such a necessity, to take care that they did not exceed it. Nothing but such a necessity could warrant any government in proceeding to do, what must be an unwelcome task for all who had any concern

concern in its execution ; but when they found themselves obliged to discharge a duty of that irksome nature, they ought to proceed warily, and with all possible tenderness and regard for those with whose rights they felt themselves obliged to interfere, and to be assured, that in endeavouring to do all that their duty required, they did not unnecessarily tear up by the roots and annihilate those rights that were of essential consideration, and ought not to have been touched, because the exigency of the case did not actually require it. And though on a former occasion he had been derided, when he comforted himself with the idea, that in every departure he should propose from the charter, he should have the consent and concurrence of the Company, he still continued to find great consolation in the reflection, that he did no violence to the Company ; for no violence could be said to be done by regulations, to every one of which the Company most chearfully consented. He did not find it necessary to create any system absolutely new for the government of our territories in India ; he should rather endeavour to improve on the system by which those territories were governed at present. The great considerations to be looked to in the regulation of the government of India were three-fold : the commerce of this country with that, and consequently the resources we derived from it, the interests of the inhabitants there, and the connection that the management of both had with our own Constitution. Great inconvenience must, under the best possible devised form of government, necessarily
arise

arise from the circumstance of any country deriving a considerable part of her resources from a dependency at so great a distance, and this must also add to the extreme difficulty of governing India from home, because that distance must necessarily prevent the government at home, and those who filled the executive offices in India, from acting with equal views. For this reason he must repeat what he had before taken the liberty to state, when the subject had been under the consideration of the last Parliament, that as no plan of government for India, that human wisdom could suggest, was capable of perfection, so he was far from presuming to think, that the plan he should propose would not occasion much difference of opinion, and be liable to a variety of objections. He could only with great humility submit that plan to the judgement of Parliament, which, from the maturest consideration he had been able to select as the most practicable and the most consonant to the present Constitution; conscious at the same time, that it was impossible for him, with so many different subjects to attend to, to have found leisure to do justice to a matter of sufficient importance to engross the attention of any man, whose mind had been vacant and unoccupied by other objects. To proceed, however, to the business to be stated, he observed, that it could not be denied that in every project of government of India, there must be an accession of influence somewhere, which it became that House and the people in general always to regard with extreme jealousy. That influence, for obvious

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reasons, should not be left at home, but might, with greater safety, be trusted abroad in India, where the executive power must be lodged, as every man must see the necessity of having a government active on the spot, yet not independent of this country, but so constituted as to secure obedience to the system of measures dictated from home, while at the same time it was capable of effectually preventing extortion in India, and frustrating the improper views of ambition and despotism. The channel of commerce, he said, must be our guide, as to our future expectations from our connection with India, since we ought to look to the management of our manufactures there, which must chiefly depend on the establishment of the happiness of the inhabitants, and their being secured in a state of peace and tranquillity. In order to effect this, he declared it would be necessary to give the government abroad a certain degree of power, subject only to the control of a Board, to be appointed at home, of the nature that he had mentioned, when he had proposed a bill upon the same subject to the last Parliament. He observed, that in the present consideration there were mixed interests to be regarded as well as mixed objects. Government and commerce were the two great objects to be looked to, while the interest of the East-India Company, and the interest of the country, called for their most serious attention. The commerce of the Company exclusively belonged to them; nor was it till the territorial acquisitions of the Company became considerable, that the Public claimed any participation in

in the advantages arising from the resources of those acquisitions, in the obtainment of which they had borne so large a share. The commerce to and from India, therefore, he meant to leave, where it ought to be left, in the management of the Company. It had, he remarked, been held, that commercial Companies could not govern empires; that was a matter of speculation, which general experience proved to be not true in practice, however universally admitted in theory. The East-India Company had conducted its commerce, and governed a vast empire for years; and it was to be remembered that the East-India Company was no new establishment; it rested on charters and acts of Parliament; those charters ought undoubtedly to be regarded, and, as far as possible, the rights exercised and enjoyed under them ought to be held sacred. But, as he had before observed, there were no rights, that by accident or time became fatal to the interests of the public, or to the safety of the state, which must not be touched. The matter was, how to connect the Constitution of the Company with the national interests: from that regard and attention to chartered rights, which he ever should profess, and which every man ought to practise, he had been led rather to consider whether it was not possible to model the old constitution of the Company, so as to make it answer every view of the State, and every interest of the Public, rather than to make a new one; not thinking it necessary to confiscate, annihilate, and destroy, where the purpose

could be attained without proceeding to any such violent lengths.

In the measures to be taken for the future government of India, if they had the Company's concurrence, it would surely be admitted, that they took the safest line; that they had pursued, and the measures he should propose, were such as the Company agreed to. The control he had mentioned ought undoubtedly to remain where the Constitution had placed all power, in the executive Government of the country. The management of the commerce he meant to leave with the Company—The patronage should be separate from the executive Government; but given where it would, he should propose regulations that would essentially curtail and diminish it so as to render it as little dangerous as possible. The patronage, however, he would trust with no political set of men whatever—Let it be in India; it would be free from corruption then; and when exercised under the restrictions and limitations he should propose, could, he flattered himself, be attended with no bad consequences. He enlarged upon these points considerably; and then said, from what he had stated, the House would doubtless observe, that the bill he meant to move for leave to bring in, was not different from former bills that he had stated to the House. The great point of it, as far as he had opened it, was the appointment of a separate department or Board of Control, to whom all dispatches should be transmitted, and who should be responsible for what they did, and for what they did not do; who should blink
nothing;

nothing; who should be obliged to act upon every question that came before them; who should not shew any indulgence or partiality, or be guilty of procrastination; who should not have the plea of other business, or in fine, on any pretence, or in any way whatever, put off or delay the duties of their office. This institution, though certainly new, was not charged with new duties; because the same powers of control had been given to the Secretaries of State by various acts of Parliament, but unfortunately they had never been exercised, having been suffered to remain dormant — He wished, therefore, to put it out of the power of that degree of laziness natural to office, any longer to defeat the public interest, by the institution of a Board necessarily active and efficient. He was aware that many persons, who in general disliked as much as he had done, the violence of the measures proposed in another bill, approved the idea of making the Board of Commissioners, to be instituted under the authority of that bill, permanent. He was not of this opinion; sure he was, that the permanency of such a Board as that bill went to the institution of, would have added to the mischiefs of it. Such a Board would have been in itself a deviation from the principles of the Constitution, and its permanency would have involved it in contradictions to the executive Government that must have been attended with great public inconvenience. An institution to control the government of India, must be either totally independent of the executive Government of this country, or it must be subordinate

to it. Ought the Administration of the day to have no connection with what was going on? Let it be remembered that a permanent Board might be hostile to those who held the government at the time; a view of it, which, he trusted, would sufficiently prove that an actual independent permanency in any such Board would be an evil. The existing Government ought, he said, to be, to a degree, permanent; but the Indian department must not be independent of that: he meant, therefore, to give it a ground of dependence, upon which all the various departments had a natural and legitimate dependency, viz. upon the executive Government. Every government that had no other object than the public good, that was conscious upon acting upon no other principles than such as were perfectly constitutional; that was swayed by no motives of a personal, an interested, or an ambitious nature, but which possessed a sufficient share of the confidence of the Sovereign, of Parliament, and of the people at large; would, from its conduct, be permanent; and the Indian government would be so of course. Having said this, he animadverted on the danger of once departing from the Constitution, by appointing such a commission as the bill that had passed that House, but which had been rejected by the Lords in the last Parliament, authorised. He remarked, if the practice once obtained, there was no saying to what extent it might be carried, or how often the precedent might be multiplied — admitting it to pass in the instance of the late bill, they might have proceeded to separate and tear away all the

the departments from the Crown, and put them one after another into so many parliamentary commissions. Having already described the extent of the powers designed to be given to the Board in question, he said, he would not repeat it; they were to control and superintend; and as the whole Board was responsible to the Public, that circumstance must ensure a vigilant execution of the duties with which it was entrusted. With regard to the objections that had been started, and the reasons that had been urged to prove, that the Company's Directors ought not to be excluded from an insight of the papers of the Commissioners, he was willing so far to give way to the arguments of that nature, as to permit the Court of Directors to see the papers of the Commissioners; but they were to have no power of objecting; the decision of the Commissioners must be final and binding upon the Directors. He meant also to invest the Commissioners with a power to originate measures, as well as to revise, correct, alter, and control those of the Company; but with regard to such measures as the Commissioners originated, the Company were to be obliged to carry them into execution. This, he observed, took nothing from the Company; since, in fact, it was nothing more than the power to put a negative on their measures, and the power of altering them, acting in another way. With regard to the appointment of the Commissioners, he said, it was meant to be the same as that of persons holding great offices, viz. at the nomination of the Crown. It was intended that the Board should consist of none
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but Privy Counsellors; but the Board should create no increase of officers, nor impose any new burdens, since he trusted there could be found persons enow who held offices of large emolument, but no great employment, whose leisure would amply allow of their undertaking the duty in question. And this circumstance, he observed, would have a good effect for the future, in rendering it necessary for Ministers, when, by way of providing for their families, they appointed to offices hitherto considered as sinecures, to have some other consideration than the mere degree of lucrativeness of the place vacant, viz. the consideration of the ability of the person about to be appointed to fill it; a consideration that could not but occasion the description of offices to which he was alluding, to be well filled for the future. The principal powers of this Board, he recapitulated, would consist in directing the political objects the Company's servants were to pursue, and in recalling such as did not pay obedience to such directions, or be able to give very satisfactory reasons to shew that circumstances rendered disobedience a virtue. The Board would, he observed, be strictly a Board of Control; it would have no power to appoint, nor any patronage; consequently it could have no motive to deviate from its duty. Thus much the House would see related solely to the Government at home. With regard to the government abroad, the first and leading ideas would be, to limit the subsisting patronage, and to produce an unity of system, by investing the Supreme Government, to be seated in Bengal, with

an effectual control over every other Presidency, and by investing that Supreme Government with executive power, and with disposition of offices in India, but to make it a matter less invidious, and to prevent it from the possibility of abuse, by making gradation and succession the rule, except in very extraordinary cases, with a view to which, there must be lodged in the Supreme Government, as in every other executive power, a discretion, which every man must see was actually necessary to be vested in an Executive, acting at such an extreme distance from the seat of the Supreme Government of all, but which was nevertheless to be subject to the control of the Board of Superintendency to be established here at home, whose orders in this, as in every other case, the Government of India must obey.

Though Bengal was designed to be the Supreme Government, it was not, he said, to be the source of influence, that being as much as possible guarded against by the regulations designed to make a part of the bill. The officers of the Government of Bengal were intended to be left to the nomination of the Court of Directors, subject to the negative of the Crown; and the Court of Directors were to have the nomination of the officers of all the subordinate governments, excepting only of the Commander in Chief, who, for various reasons, would remain to be appointed by the Crown. He said, it might possibly be argued, that if the Crown nominated the Commander in Chief, and had a negative upon the

rest of the appointments, that all the patronage remained in the hands of Government at home. This, however, was far from being the case, the patronage of great appointments not being the sort of patronage for the Public to entertain a jealousy about, and the other patronage being diffused and placed in Bengal, the influence from it was considerably weakened and diminished; add to this, all offices going by gradation and succession, would be a forcible check upon the patronage, and tend greatly to its reduction. Having discussed this matter very fully, Mr. Pitt proceeded to state, that much would depend on the manner of administering the government in India, and that his endeavours should be directed to enforce clear and simple principles, as those from which alone a good Government could arise. The first and principal object, he said, would be to take care to prevent the government from being ambitious and bent on conquest. Propensities of that nature had already involved India in great expences, and cost much bloodshed. Ambition and trouble were companions but too often; and they had proved particularly hurtful to our interests in India. Indeed they were what ought most studiously to be avoided there. Commerce was our object, and with a view to its extension, a pacific system ought to prevail, and a system of defence and conciliation. The Government there ought, therefore, in an especial manner to avoid wars, or entering into alliances likely to create wars. At the same time that he said this, he did not mean to carry the

the idea so far, as to suggest that the British Government in India was not to pay a due regard to self-defence, to guard against sudden hostilities from the neighbouring powers, and, whenever there was reason to expect an attack, to be in a state of preparation. This was undoubtedly and indispensably necessary; but whenever such circumstances occurred, the executive power in India was not to content itself with acting there as the nature of the case might require; it was also to send immediate advice home of what had happened, of what measures had been taken in consequence of it, and of what farther measures were intended to be pursued. He mentioned also the institution of a tribunal to take cognizance of such matters, and stated how far such a tribunal should be empowered to act without instructions from home. He next said, that the situation of the Indian Princes in connection with our government, and of the number of individuals living immediately under our Government, were objects that ought to be the subject of an enquiry. The debts due from one Indian Prince to another, over whom we had any influence, such as the claims of the Nabob of Arcot upon the Rajah of Tanjore, ought, undoubtedly, to be settled on a permanent footing; this, and the debts of the natives tributary to us, ought also to be the subjects of enquiry. Another object of investigation, and an object of considerable delicacy, was the pretensions and titles of the landholders to the lands at present in their possessions; in the adjustment of this particular, much caution must

be adopted, and a means found, that would answer the end of substantial justice, without going the length of rigid right; because he was convinced, and every man at all conversant with Indian affairs must be convinced, that indiscriminate restitution would be indiscriminate confiscation. Another very material regulation, or rather principle of reform, from which solid hopes of providing a surplus adequate to the debt in India might be drawn, was, the retrenchment of our establishments in that country. At present it was a well-known fact, that all our establishments there were very considerably overcharged; at any rate, therefore, there must be no augmentation suffered; and in order to prevent the possibility of such an improvident measure, a return of all the establishments must be called for. With regard to the means of reducing them, they ought to be laid before Parliament, and submitted to the determination of both Houses. Every intended increase of the establishment ought also to be submitted to Parliament, and the Company to be immediately restrained from sending out any more inferior servants. He stated that it would be necessary, by proper provisos, to compel the execution of these points; and the better to guard against the continuance of that rapacity, plunder, and extortion, which was shocking to the feelings of humanity, and disgraceful to the national character, he proposed to render the Company's servants responsible for what they did in every part of India, and to declare it illegal and punishable, if they, on any pretence whatever,

ever, accepted sums of money, or other valuables from the natives. This would, he hoped, tend effectually to check private corruption. There were, he was aware, a certain species of presents, so much a part of the ceremonies inseparable from the manners of the East, that an attempt to direct that they should not be received, would be utterly impracticable; but even as much as possible to guard against any bad consequences resulting from the continuance of the practice in question, he meant that the bill should oblige the Company's servants in India to keep an exact and faithful register of all such presents. With regard to those of the Company's servants who did not comply with the directions the bill would hold out to them, and to such other directions as should under the sanction and authority of the bill be transmitted to them from home, such persons should be considered as guilty of offences punishable in the degrees stated in the bill, which should contain a special exception of those guilty of disobedience of orders and other crimes, which, from their consequences, being of a most fatal tendency, must be punished with great severity. In respect to this part of his subject, the House, he had no doubt, would go along with him in feeling the necessity, and at the same time the extreme difficulty of providing a proper tribunal, before which persons charged with offences committed in India should be tried. He owned he had an extreme partiality to the present system of distributing justice in this country; so much so, that he could not bring himself

self for a moment to think seriously upon the idea of departing from that system, without the utmost reluctance; without mentioning names, however, or referring to recent instances, every man must acknowledge, that at present we had it not in our power to do justice to the delinquents of India after their return home. The insufficiency of parliamentary prosecutions was but too obvious; the necessity for the institution of some other process was therefore undeniable. A summary way of proceeding was what had struck him, and he believed, those who had thought much upon the subject, as most advisable; the danger, however, was the example that must arise from any deviation from the established forms of trial in this country, it being perhaps the first, the dearest, and the most essential consideration in the mind of every Englishman, that he held his property and his person in perfect security, from the wise, moderate, and liberal spirit of our laws. Much, however, was to be said with respect to the case in point; either a new process must be instituted, or offences, equally shocking to humanity, opposite to justice, and contrary to every principle of religion and morality, must continue to prevail unchecked, uncontrolled, and unrestrained. The necessity of the case outweighed the risque and the hazard of the innovation; and when it was considered that those who went to India hereafter, would know the danger of transgressing before they left England; he trusted it would be admitted that the expedient ought to be tried. Should
such

such a law pass, every man who went to India in future, would, by so doing, consent to stand in the particular predicament in which the particular law placed him; and in thus agreeing to give up some of the most essential privileges of his country, he would do no more than a very numerous and honourable body of men did daily, without the smallest impeachment of their characters, or the purity of the motives that impelled their conduct.

Mr. Pitt suggested loosely what his idea of the summary species of trial he meant to authorise was. He said, there must be an exception to the general rules of law; the trials must be held by special commission: the Court must not be tied down to strict rules of evidence; but that they must be upon their oaths to give judgement conscientiously, and pronounce such judgement as the common law would warrant if the evidence would reach it. Much, he was aware, would depend on the constitution of the Court. His design, therefore, was, that it should be composed of men of known talents, unimpeached character, and high consequence; that their impartiality should be farther secured by their being to be chosen by ballot; and that a certain number out of the whole nominated should make a Court, in order that there might exist the chance of a choice by ballot. The persons to be balloted for should be some of them from among the Judges, some Members of the House of Lords, and some Members of that House. Such a mixed assemblage, from the very first characters in the kingdom, would leave no room
for

for suspicion, or possible impeachment of justice; and in order still more strongly to fortify the subject against injustice, they should not be chosen till the hour of trial, and should then be all sworn. To effect the purposes of the institution of such a tribunal, they should be empowered to take depositions, and receive information, communicated by witnesses who were in India when the delinquent was stated to have committed the offences he might stand charged with; and farther, they should be judges both of the law and the fact. With regard to the punishments, they should be governed by the punishments the law, as it stood, authorised in cases of misdemeanor, viz. fine and imprisonment; but the extent of these should rest in the discretion of the Court, to apportion according to their opinion of the proved enormity of the crime: and as a farther means of rendering such a tribunal awful, and its plans of preventing the perpetration of crimes shocking to humanity from continuance, effectual, it should be armed with the power of examining the parties charged as delinquents, by interrogatories, as to the value of their effects, in order the better to be able to govern the quantum of the fine to be levied in case of conviction; it should also be armed with the power of examining the amount of any man's property on his arrival in England from India: and since purity and abstinence were the objects every man must desire should characterize the conduct of their countrymen in Asia, the Company should not have it in their power to employ any one of their
ser-

servants convicted of a misdemeanor while he had been in India, nor should any person be suffered to return to that country after his stay in this beyond a certain limited period. Mr. Pitt interspersed his notification of the different principles and regulations which his intended bill went to the establishment of, with a variety of illustrations and arguments, delivered with great force of eloquence; and concluded with returning his thanks to the House for having indulged him with so patient a hearing, and moved, "That leave be given to bring in a bill, for the better regulation and management of the East-India Company, and of the possessions in India."

Mr. Fox said, such, he saw, was the disinclination of the House to hear more debate than was absolutely necessary at that advanced season of the year, and such had obviously been their impatience during the delivery of what they had heard, and their eagerness to rise as soon as the right honourable gentleman had concluded, that he would not discuss the arguments that the right honourable gentleman had just urged, nor the principles that he had laid down, till the bill was properly before the House, and came to its second reading. He wished only to know of the right honourable gentleman, whether he meant to bring in three bills, or one bill comprehending all the three heads under which he had ranged his subject, or, rather, under which he had himself divided it, when he proposed the bill which had passed that House, but had been lost in the House of Lords, in the last Parliament: he meant the head of govern-

ment of India by a new establishment at home ; the head of regulations applicable to the government of India, upon the spot, in Asia ; and the third head, of the means of bringing delinquents in India to punishment in England, after their return home ? Mr. Fox said farther, that with regard to the two latter points, viz. the regulations of the government in India, and the tribunal to be instituted for the trial of Indian delinquents at home, he felt no great objection ; but with regard to the new bill, as far as related to the establishment for the government of India here, and the several principles laid down by the right honourable gentleman in the early part of his speech, he was so unfortunate as not only to differ in opinion from the right honourable gentleman, but to differ most completely and entirely. He was, by what the right honourable gentleman had said that day, more than ever convinced, that the principles contained in the bill he had the honour to have brought in last year, much as through prejudice and misconstruction they had been clamoured against, were the only true principles for a government in India to stand upon, with any hopes of producing much good either to that country or to this. Holding this opinion, he might naturally be expected to have a good deal to say upon the subject ; and a good deal he should think it his duty to say, if it were only, as in his particular case it might be thought to be, by way of self-defence ; but he should reserve himself till the second reading of the bill : he trusted, therefore, that the bill would be brought in as soon

as possible ; by which he meant, neither much delayed, nor much hurried ; and that due notice would be given when it would be read a second time.

Mr. Chancellor *Pitt* said, great as the three objects were, to which the honourable gentleman had alluded, he meant to comprehend them in one and the same bill. That bill was already almost in a shape to be presented to the House, and he imagined it would be ready to be presented and read a first time next Friday ; in which case, as it now happened from the season of the year, the period of the session, and the heat of the weather, that dispatch was most likely to procure that, which delay at any other season was the best means of obtaining, viz. a pretty full attendance, he should move for it to be read a second time next week, on any day the House should best approve.

Mr. *Fox* said, as it was to be one bill, the time of his making his opposition to it would be necessarily affected by it, as the right honourable gentleman might understand. For instance ; if he had not approved the two second heads of the bill, he would have opposed the bill at its second reading : but approving them, and not approving the first head, he could not consistently approve the commitment of a bill containing what he thought to be salutary regulations, and might, therefore, possibly think the Committee the fit place for him to make his opposition ; he should, however, reserve himself till the bill was before the House.

The question was put and carried,

July 8.

Mr. *Burke* desired that the resolutions which the House had come to in 1782, for the recital of Sir *Elijah Impey* and Mr. *Hastings*, might be read. This being complied with, Mr. *Burke* stated his reasons for not attempting the pursuit of measures against Sir *Elijah*, who was arrived. He found it to be impracticable; and there was very little reason for his troubling the House with a recital of the circumstances which made it impossible for him to prosecute this business; they were fully within their knowledge: he thought it was the duty of the Minister.

Mr. Chancellor *Pitt* said, that he did not see any good reason why, nor was he inclined to stand forward as the prosecutor of Sir *Elijah Impey*.

July 9.

Mr. *Pitt's* East-India Bill having been brought up and presented,

Mr. *Wraxall* said, he did not rise to give any opposition to a bill, the necessity of which was, he believed, admitted by the whole House; the spirit of which, as it had been opened by the Chancellor of the Exchequer, he approved; and every degree of delay, in the introduction of which, he had lamented in the strongest manner. He said, that he was, however, far from imputing any part of that delay to the right honourable gentleman at the head of his Majesty's affairs; as under the circumstances in which every new Parliament met, and peculiarly the present

present Parliament, which had been occupied by the Westminster election during the first three weeks, he was persuaded no part of the delay could be attributed to Ministry.

Mr. Wrexall declared, that he was happy to see the decision and firmness, which characterised the right honourable gentleman in his ministerial capacity, visible in the outlines of the bill, and peculiarly in that first principle of it, the accurately defining, and at the same time augmenting and enlarging, the powers vested in the Supreme Government of Bengal. He observed, that whoever was conversant in the history of India for these last ten years, and even with the transactions of the present moment, must immediately admit the indispensable necessity of increasing the power of the Government General, and rendering it supreme over every part of India, in all the great outlines of war, of peace, and of policy. He said, that the sullen acquiescence of the Government of Bombay, during the whole progress of the Maratta war, in the orders of the Government General; but, still more, the contemptuous and insolent refusal which the repeated and peremptory commands of the Supreme Council had met with from Lord Macartney and the Government of Madras, called loudly for some instant and effectual interposition. He hoped His Majesty's Ministers meant to apply an effectual remedy to these evils, which could only be done by defining and by extending the powers to be granted by the present bill to the Government of Bengal.

Having

Having laid down this principle, Mr. Wraxall said, that he hoped the right honourable gentleman meant likewise to introduce another very important and essential regulation, though no mention of it appeared in the bill before the House—he meant, the establishment of a regular, expeditious, and certain communication between England and the East Indies. To the disgrace of every Administration which had governed this country for many years past, he said, that although plans had been repeatedly given in, no effectual steps had been taken to settle any such mode of communication, though nothing could be more easily effected by a wise and active Ministry. He said, that it was equally incumbent, from motives of humanity, as from sound policy, to establish such a constant conveyance; and he instanced, by the fatal consequences resulting from the delay in transmitting accounts of the late general peace to India, which, though ratified in the beginning of February last, was not sent out *overland* for near *two* months, and by *sea* for nearly *three* months. The consequence of this neglect was, Mr. Wraxall observed, that intelligence of this important event was first conveyed to India by *private letters*, which put a stop to the effusion of blood, at a most critical and momentous period of the war, when our very existence on the coast of Coromandel was in the extreme danger.

Mr. Wraxall said, that before he sat down, he should make one remark, which, although he did not mean to propose as a question to the right honourable gentleman, yet he trusted, however unimportant the
quarter

quarter from whence it originated, was not unworthy of his attention. It was, that he hoped Ministry had no intentions of recalling the present Governor General of Bengal, in whose capacity, integrity, and resource, he expressed the highest confidence. He trusted, therefore, that no sollicitation or interest, from whatever quarter it might come, or however high the person who might be in contemplation to fill the post, would be able to induce His Majesty's Ministers to dismiss a man, who had evinced in all his past conduct, that he was worthy of the arduous situation in which he had presided so many years.

Mr. Wraxall concluded by thanking the House for the indulgence which they had shewn him, and by pressing the attention of Ministry to the points of regulation which he had recommended.

Mr. *Dempster* wished to know, if any part of the bill went to sanctify the appointment of a Court of Appeal in Bengal. Mr. *Dempster* said, the cause of Sir Elijah Impey being recalled, was his having accepted the office of President of such a Court; he happened not to be in the House when Sir Elijah's arrival was under discussion; or he should have spoken upon the subject; but undoubtedly a Court of Appeal was extremely necessary in India, because every landholder there had some connection or other with the revenue of the government, a circumstance which proved a most fruitful source of litigation.

No answer being given, the bill was read a first time.

Mr.

Mr. Chancellor *Pitt* moved for it to be read a second time, and said he wished to choose a day most agreeable to the House in general. From what had been said upon the subject when he made his motion, he rather imagined the opposition intended to be made to it, would be offered in the Committee, and not on the second reading. If agreeable, therefore, he would move that it be printed, read a second time on Tuesday the 13th, and committed for Wednesday the 14th instant.

Mr. *Fox* said, he had no desire to delay the business, but as the bill was extremely long, and could not be printed before Tuesday, he thought Wednesday rather too soon a day for gentlemen to prepare themselves. For his part, many of the regulations for the internal government of India, which appeared from the *breviate* to form the middle part of the bill, he most probably should approve, but as the general principle of the bill was so contrary to his sentiments, he should make his opposition on the commitment.

Mr. Chancellor *Pitt* then proposed Friday for the day of commitment, which Mr. *Fox* assented to.

July 13.

The order of the day having been moved for the second reading of the bill for the better regulation of the government of India, and of the affairs of the East-India Company, the same was read a second time, and the question having been put, "that the said bill be committed,"

Mr.

Mr. *Francis* rose, and observed, that from the thinness of the House, he concluded it was not intended to enter the general merits, or detail of the bill that day; and therefore should confine himself to a few questions for information, which he begged leave to put to the Chancellor of the Exchequer, thinking that the earlier he stated these questions the better, as he apprehended, that the clauses on which they arose, had been incorrectly worded, and the sooner any verbal mistakes were corrected, the better. In the first place he observed, that through the whole bill, no notice whatever was taken of a Commander in Chief of *all* the Company's forces in India; that this office existed, though the succession to Sir Eyre Coote was not actually filled up; that he could not suppose it possible, that it was intended that there should be no such Commander in Chief; but that whether it was or not, there was evidently an error of fact in the 17th clause, which provided, that the Commander in Chief of the Presidency of Fort William, for the time being, should have voice and precedence in Council, next after the Governor General. That this provision supposed, that the person so described had a seat in the Council, since it regulated his rank there. But that in truth he was not a member of the Council; and that no provision was made for the Commander in Chief of all the forces in India, who always had a seat in the Supreme Council.

Mr. *Francis's* second question related to the 89th clause; he said, he could not believe it possible that this clause could have been correctly worded, or that

it could seriously express the intention of the mover. The clause said, that no person whatever, who had ever been in India, in any public capacity, should ever be allowed to return thither on any terms, unless they came to Europe on account of their health, or if it should appear that they had stayed longer at home than was strictly necessary for their recovery. That this prohibition confounded the innocent and the guilty, and all degrees of guilt and innocence. Any man who had been in India, let his merit be what it would, was *ipso facto* disqualified. He insisted on the injustice and absurdity of so general a proscription, which included not only those who deserved censure, but every man who had served with credit, and had acquired any knowledge by experience in the service. That for his own part he considered himself as out of the question; but he saw no reason why an honourable gentleman in his eye (Major Scott) who certainly did not come to England for his health, and who, he was happy to observe, did not seem to want a change of air for his recovery, should be precluded from returning to a country, where he had distinguished himself with great honour, and which undoubtedly he would not have quitted in time of war, but for the still more important duties of a public embassy.

Mr. Francis's third question related to a more important point. He said, that in the 15th paragraph, a power was given to the new Commissioners, not only to send orders to India without the knowledge of the Directors, a point which he should take another opportunity to consider, but to send orders to the
Commanders

Commanders in Chief of the military forces there, that is, to the military officers appointed by the Crown *directly*, and not through the medium of, or even in communication with, the civil government there. He concluded with declaring, that this must be a mistake in the wording of the clause ; for he could not suppose it possible that it should be intended not only to set aside the Court of Directors at home, but the civil government abroad, which of course would throw the whole power of those governments into the hands of the Commanders in Chief, who would themselves be under the immediate and exclusive orders of the Crown.

Mr. Chancellor *Pitt* said, the House would see that the observations of the honourable gentleman went to points that could only be discussed with propriety in the Committee ; he hoped therefore he should stand excused if he did not go much at length into a reply then. He would just, however, say a word or two upon each : With regard to the first question of the honourable gentleman, viz. whether it was intended to abolish the office of Commander in Chief in India ? Certainly no regulation of that kind was meant to make a part of the present bill ; if therefore there appeared to be any obscurity in the wording the clause that led to such an idea, that would necessarily call for correction in the Committee. The next point the honourable gentleman had remarked upon, viz. whether it was designed to disqualify all persons who had been in the service of the Company in India, and had not come home on account of their health, or had contin-

nued in this country beyond a limited time, from returning to India, undoubtedly that was one object of the bill, and an object upon which, if he did not mistake, he had explained himself pretty fully, when he first opened the nature and extent of the bill to the House. With regard to the third point, viz. the doubt expressed by the honourable gentleman, as to whether it was meant to send out orders to the Commander in Chief of the forces in India, without communication of such orders to the Directors at home, or to the Civil Government in India, there possibly might be some inaccuracy in the clause that warranted such a suggestion; if that should prove to be the case, the clause must be amended in the Committee; certain it was, that there was no intention to send out any orders without communication to those Directors who formed the Secret Committee of correspondence, much less to do any thing that should tend in the smallest degree to render the Commander in Chief of the forces in India independent of the civil government in that country.

Mr. *Eden* said that he perfectly concurred with the Chancellor of the Exchequer as to the expediency of postponing all discussion of particular clauses to the Committee; but he wished to make one observation upon the bill, which certainly was not improper in the present stage of the proceeding. It was a consideration of the highest moment, and he must request gentlemen to revolve it in their minds; if he was well founded in his sentiments respecting it, he might safely foretel that it would much affect

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the whole progress of the bill through both houses of Parliament. He would admit that the state of the East-India Company was unfortunately and fatally such, as to call loudly for better regulation and management; he would admit, that the delinquencies of persons employed by the Company were such, and so circumstanced, as to call loudly for a more effectual tribunal than any that at present existed; but it did not follow, that considerations so complicated and so momentous, and at the same time so distinct and so separate, ought to be included in the same bill. It was highly exceptionable to blend businesses in the same act, even if the session were now in its commencement; how much more, then, was it liable to objection when done towards the close of a session, in the hurry of a moment, in thin houses, and when the minds of those who were attending were fully occupied by many subjects of most serious difficulty. But his objection went farther—He had no wish to pay court to the other House of Parliament beyond their just pretensions; he could not however forget that the part of the present bill was peculiarly proper for the consideration of that House, assisted by the twelve judges, the Chiefs of whom happened also to be Peers of Parliament. But what was the fact respecting those assistants? The bill was to be sent to the Lords at the very moment when all the Judges were known to be absent on the circuits; and yet that bill was to overturn the whole constitutional system of judicature, so far as the East-India possessions are concerned. It was to enable a new Court

Court to decide, " in a summary course, without the formality of pleading, without the intervention of a jury, without any rules of evidence, without depositions upon oath, without parole testimony, but on paper writings transmitted from the East Indies to the Directors. An extremity so repugnant to the feelings of Englishmen was perhaps become necessary; but surely it merited the consideration of those who were best able by their wisdom and by their weight to consider it, and to advise respecting it. It was a want of attention to those who would be absent from the House; it was a severe hardship on the only law officer who would be present in the House. He wished, therefore, that these distinct parts of the bill might be separated; he should then be more at liberty to state how far the doubtful part might be postponed without public inconvenience.

He also wished to ask a question: it had been proposed to give relief to the Company on the view of their present situation, as well as to provide for their future better government. What was become of the bill of relief, and why was it not brought forward, that both proceedings might go hand in hand, and throw light on each other?

Mr. Chancellor *Pitt*, reminded the House, that a right honourable gentleman not then in the House, had lately argued, that he would not consent to grant any relief to the East-India Company, till the bill for regulating their affairs, and the future government

vernment of India, should be in the House; it was therefore, he said, a little hard to have it now objected against the present bill, that the bill for the intended relief of the Company was not before them. He could, however, assure the House, that the bill for the relief of the East-India Company would be brought in within a day or two, he believed before the House would proceed to the discussion of the present bill. With regard to the making the institution of a tribunal to try delinquents in India after their return home, a part of the present bill, he must differ totally from the right honourable gentleman. So intimately connected with the other objects of the bill did he consider the institution of such a tribunal, and so materially conducive to the furtherance of those objects, and of the better government of India in future, that he should have been of opinion, that the bill was exceedingly defective indeed, if it had not provided for the institution of such a tribunal. Late, therefore, as the session was advanced, he should proceed with the bill in its present comprehensive form; and when it was considered, what an accumulated load of important business, from the peculiar circumstances of public affairs, they were under the necessity of dispatching, ere they rose for the recess, he trusted every gentleman, who was aware of the present necessity of their coming to some decisive regulations respecting the future government of India, as early as possible, would not think he acted rashly or ill-advisedly, in urging all the objects

to

to which the bill bore relation, to discussion at one and the same time.

The bill was committed for Friday the 16th instant.

July 16.

The order of the day was moved, for the House to resolve itself into a Committee on the East-India bill, and the order having been read, the Speaker put the question, " that he leave the Chair."

Mr. *Francis* then rose, and desired to know if that were not the proper stage of the bill for him to state objections he entertained to the general principle of it, as well as its individual parts?

The *Speaker* repeated the question that had been put, and said, any objection to the principle of the bill might be then stated.

Mr. *Francis* thereupon rose again, and said, as he had strong objections to offer against the principles upon which the bill proceeded, he conceived his entering into a discussion of those principles then, would be perfectly consistent with the orders of the House, and therefore he would state to the House the variety of remarks that had suggested themselves to his mind upon the bill. He began with observing, that duty might survive hope, and that he feared both the House and he were taking unnecessary pains, and endeavouring to make a law of regulation when it was too late, and after the object of the law was lost. Should this unfortunately prove true, a long speech would hereafter appear to have been the more
irksome,

irksome, because ill timed; though he had little hopes of success from any thing he might say, he would nevertheless do his duty, notwithstanding that he feared he should be under the necessity of making a longer speech than the House might wish to hear, but the importance of the subject, and the magnitude of the objects which the bill professed to provide for, rendered it impossible for him to comprise his remarks in a very short compass. The bill consisted of three parts; the first relative to the appointment of a new system of government at home by the institution of a Commission, with the effects of which he should not meddle, but speak merely of the facts it was to rest upon; the second part related to regulations of government in India; while the while third turned wholly upon the institution of a new judicial tribunal for the purpose of trying East-India delinquents. The bill, Mr. Francis said, as it stood at present, had no foundation whatever, but was a conclusion without premises. It stated itself to be a remedial bill, and yet was wholly silent as to the persons who had committed, and the abuses that had been committed in India, which made such a bill necessary. This appeared to him the more extraordinary, as the right honourable gentleman, when he opened it to the House, had not been at all sparing of the mention of those abuses in the course of his speech, although he now thought proper not to say one word about them in the bill. He would next observe, that the bill went on these two principles, the abuse of power abroad, and the want of power

at home; to remedy which, it proposed to increase the power abroad, and to reduce the power at home. On the principles of almost every clause in the bill, the Directors ought to be annihilated, whereas they were left in existence, but in a state not greatly to be envied. Poor gentlemen! they were suffered to remain nominally, reduced to mere clerks; the shadow of the direction left, without the substance! The weakness of the Directors, and their inefficacy and want of power, to enforce obedience to their own orders, had been admitted on all hands—To remedy this weakness, a clashing power was created, and that of two descriptions; one a nominal power, the other a real one. While it was declared, that the Directors are too feeble to enforce their own orders, they were made the channel of the orders of a higher power, and must degrade them. This he reprobated as extremely injudicious and unwise, declaring that mere forms were of no use, and that they ought not to subsist when a constitution was essentially altered. Having made these general remarks, he proceeded to observe upon the particular clauses of the bill; and first, that there was no preamble; the bill being, as he had before remarked, a conclusion without premises, a remedy without disorder, and a punishment without a crime.

From what the right honourable gentleman had stated in his speech, he did imagine that the preamble would have been full, and that it would have specified the abuses the bill was intended to cure. He next desired to call the attention of the House to
clause

clause 3 (page 2 of the printed bill) in which they would find, that the new commission, consisting of Privy Counsellors, who were not only "invested with the superintendence and control over all the British territorial possessions in the East Indies, but *over the affairs of the United Company of Merchants trading thereto.*" By these words they had the commerce and concerns of the Company, as well as its revenue and its political interests, put completely under their superintendence and control. He was aware that there was a provision in the subsequent part of the bill, which did, in some measure, except the commercial concerns of the Company from being subject to the superintendence and control of the new commission, but not in his mind sufficiently to remove the objection to which the wording of the third clause was liable. Clauses marked 8, 9, 10 (page 4 of the printed copy) obliged the Directors to pay implicit obedience to the Commissioners, and the next clause empowered the Commissioners either to approve or disapprove of the dispatches of the Directors. The next to that gave them a power to transmit to the Directors any orders or instructions to the Governments and Presidencies in India, which orders the Directors are obliged to send over to India; and the clause immediately following provides an appeal to his Majesty in Council, whenever a dispute should arise between the Directors and the Commissioners, as to what is, and what is not, a question of commerce. This appeal, Mr. Francis observed, was from the Minister to the Minister, because the Minis-

ter naturally was one of the Privy Council, and the member by whose advice His Majesty would chiefly be guided. The next clause contained a matter to which he had lately taken the liberty of drawing their attention, as a matter of great importance; what he meant was, the power given to the new commission to send orders to the Commanders in Chief in India separately and independent of the civil Government. The Commanders in Chief, he said, were appointed by the Crown; the consequences of such a power being suffered to be given, were so obviously alarming, that he could not but conceive there was some mistake or other in the clause. The wording also of the 17th clause, which declared the Commander in Chief of Fort William was to succeed Mr. Hastings, in case of death, removal, or resignation, must in like manner be founded in mistake, because no such officer had usually a seat or a voice in Council. With regard to the clause, page 7, of the printed bill, that enacting, that the Court of Directors should, within a time to be limited, send out a fit and proper person to be Governor of Fort St. George, he desired to know, if Lord Macartney was to be recalled? The moment he heard that Lord Macartney had quarrelled with Mr. Hastings, he said he was persuaded he was a good officer, and was doing his duty. He stated what led him to form this opinion. Clause 30, page 12, he said he perfectly concurred in; it was certainly right to enact that the acts of the Directors should not be revoked by the General Court of Proprietors, but then at the same time

time it was not very consistent with some principles which the right honourable gentleman had formerly laid down about the sacredness of chartered rights. Clause 32 also he approved, thinking it perfectly right that the other Presidencies should be dependent on Fort William in all cases whatsoever. The next clause, that marked 33, page 11, he had read over again and again, and he could not make common sense of it. The clause, as it stood, stated, that the rules were to extend to the rules. This was sheer nonsense; the question was, to what subject matter a thing, not to what persons or places, the power of making rules, &c. extends. He asked, was the general legislative power meant to be vested in the Governor General or Council? The whole of the clause seemed to want translating into sense. The clause reproaching schemes of conquest and extension as measures repugnant to the wish, the honour, and policy of the nation, he approved highly; but like every other good clause in the bill, it was clogged with an exception which defeated the rule it laid down. It stated, that the Governor General and Council of Fort William should not be competent to declare war, or commence hostilities, or enter into any treaty for making war against any of the country Princes, *unless* such Princes or states shall have commenced hostilities, or be actually making preparations for the commencement of hostilities against the British nation in India, or against some of the Princes or states dependent thereupon, &c. &c. This exception, he said, would be of no avail, because it held out

out a perpetual salvo to a Governor General, who was of an ambitious disposition, for having followed his inclination. The assumed ground of this clause, he said, naturally suggested the question, not only who it was that had pursued schemes of conquest, and extension of dominion in India, contrary to the repeated orders of the Directors, but also of who it was that had not? As a proof of the disposition of Mr. Hastings, as to this point, he read the following minute:

“ If the British arms and influence have suffered
 “ a severe check in the western world, it is the more
 “ incumbent on those who are charged with the in-
 “ terests of Great Britain in the East, to exert them-
 “ selves for the retrieval of the national loss; that we
 “ have the means in our hands, and that with such
 “ superior advantages as we possess over every
 “ power which can oppose us, we should not act
 “ merely on the defensive.”

22d June, 1778.

In the very next clause also the same objection offered; for in that clause the Governors of Madras and Bombay were prohibited from making war, except in cases of sudden emergency, of which emergency they were to be the judges, and upon which they always would decide, that the emergency existed whenever they thought proper to make war. He next took notice of the clause, No. 43, for liquidating the debts due from the Nabob of Arcot. He said, those debts might be liquidated, but how were they to be paid? After spending some minutes in the discussion

cussion of this point, he proceeded to clause 51, page 17, which speaks of the indeterminate rights of the Nabob of Arcot, and the Rajah of Tanjore, and directs, that the Governor General of Fort William should be empowered to ascertain and settle those rights. He objected to the inquiry and arrangement being left to the Government in Bengal, which was notoriously partial to the Nabob of Arcot, and thought the thing had better have been done at home. He spoke of the clause respecting tribute, rents, &c. to be hereafter paid by the landholder, and the plan proposed in clause 57, for the servants abroad to devise the methods of fixing the tribute, rent, &c. of each landholder. He asked, were these sort of inquiries never to end? They might, he said, be determined at home, and the rule might be easily fixed, by taking an average of them for some years past. Any farther inquiry to be set on foot now, would tend greatly to delay, and to the utter ruin of the people, and would be open to violent and dangerous abuse. He stated that the settlement of 1772 was sold, and referred the House to the Directors' letter of March 1778, wherein they order forthwith to commence a prosecution in the Supreme Court of judicature, against the persons who compose the Committee of Circuit. He dwelt for some time on the ruin entailed on the miserable landholders by these new inquiries, and read the following letter of the Directors of 1777, in confirmation of what he had said:

July

July 4, 1777.

“ In this state of the business, our surprise and
 “ concern were great, on finding, by our Govern-
 “ nor General's minute of the first of November
 “ 1776, that after more than seven years investiga-
 “ tion, information is still so incomplete, as to render
 “ another innovation, still more extraordinary than
 “ any of the former, absolutely necessary to the for-
 “ mation of a new settlement.”

The next clause, that enacting that the govern-
 ment abroad should not alter the rents, after they
 had been fixed by the Directors, he highly approved.
 The clause respecting the pensions to the zemindars
 he reprobated, because he considered the forcing
 those pensions upon the zemindars as a gross oppres-
 sion. The prohibition of the Directors from send-
 ing out writers and cadets beyond the establishment,
 he thought extremely proper. The rules for the
 Company's servants and officers to rise by succession
 and gradation and by seniority, also he said he should
 have approved, but for the exception in these
 words, “ unless any of the said Governments and
 Presidencies shall, on any very urgent occasion, *by a
 vote in Council, see cause to deviate* from the said
 general rule.” Exclusive of the strangeness of the
 wording of this exception, by making the Govern-
 ments and Presidencies, *by a vote in Council, see cause
 to deviate*, instead of *see cause by a vote in Council, to
 deviate*, he conceived the exception compleatly de-
 feated the rule; in proof of this, he stated, that at
 this moment the Company's orders stood for their
 officers

officers and servants in India, as well civil as military, to rise by gradation and succession ; but the same exception being allowed, the gradation had never been observed. Upon the next clause, that declaring, that from and after the passing of the act, no person exceeding a certain age should be sent out in the capacity of a cadet or writer, he founded several remarks. He asked, to what purpose such a limitation? Was no man of experience, then, either to go out to India, or to return from it? Or was it to be concluded from this clause, that the favourite idea was, that youth and inexperience should govern in Bengal? He added other remarks, and seemed to consider it as an unwise limitation, tending to keep the government in weak hands. The next clause, that declaring the Company's servants to be amenable to the Directors, and to all courts of justice both in India and in Great Britain, of competent jurisdiction to try offences committed in India, for every offence done by them in any part of India, he approved, though he thought it might be attended with inconvenience. To the following clause respecting presents, he applied much reasoning, he thought the clause aimed at the object exactly in a reverse way, by excepting the ceremonial presents from the general prohibition ; he gave it as his opinion, that it ought either to have prohibited the demand or acceptance of presents *in toto*, or to have allowed the middling and lower ranks of the Company's servants to have received presents, under the general exception only of corruption, and to

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have debarred the highest rank, who were looked up to as examples, from receiving any. He informed the House of what had happened on the arrival of the act of Parliament of 1772, by a clause of which the receipt of presents was expressly forbid. Mr. Hastings, he said, declared at the time, that he would continue to receive presents, but that he would place them to the Company's account. Another member of the Council, Mr. B. gave Mr. Hastings credit for this instance of disinterestedness, but said, he should act in a manner exceedingly silly if he followed the example. Mr. B., Mr. Francis declared, continued to accept nuzzars, "left his refusal of them, or his tendering them to the Company, *should appear rather in the light of a consequential insignificant display of rigidity in excess.*" In these very words, he said, had Mr. B. chosen to account for his conduct in this particular, in a minute entered in the consultations of November 7, 1774. As Mr. Hastings was remarked for sublimity in his writings, this other Member of the Council, Mr. Francis observed, might be said to deal in the profound, as the House would easily conclude from the extract from the minute he had just stated. If any Member of the Council had laid himself out for the acceptance of presents, he declared, the money he might have received would have swelled to a considerable amount. He himself, had he been so disposed, might have received from eight to ten thousand pounds this way. Having diverted the House with this anecdote, Mr. Francis proceeded with the
bill

bill. He remarked, that there was a contradiction between the enacting clause on the subject of presents and the proviso; the former declared, that the whole of the gift should be forfeited to the King, and the proviso gave the Court or jurisdiction before whom the offence should be tried, power and authority to direct the present to be restored to the party from whom it was received. He observed, that in the clause excepting professional men, who received fees in the way of their profession, from the penalties imposed on those who took presents, attornies were not mentioned. Upon clause 72, which respects the disobedience of orders, he said, in order to make that clause efficacious, those who had already been guilty of disobedience of orders, ought to be made an example; while those who had uniformly done their duty, deserved reward. Impunity for every thing past would teach the Company's servants to disregard all laws and orders that could be made. He spoke from a knowledge of human nature, and from experience of what was past. When laws prohibit, and when impunity encourages, who could doubt how they ought to act? The clause prohibiting corrupt bargains about offices, and that enacting that the Company should not, on any pretence, release or compound the judgement of a competent jurisdiction against any of its servants, or restore any servant of the Company, after his having been dismissed for a misdemeanor, he much approved. The clause for remedying abuses in the collection and receipt of the revenues,

he declared to be nugatory, and said, it would bind none but good men. The end of the oath, he observed, would be defeated by the exception introduced into the body of it; and he begged to know, what was the meaning of the words "solemn occasions?" The next clause, that authorizing the Governor General to issue his warrant and seize persons suspected of carrying on an illicit commerce, he deemed a new power given to the Governor General by this bill. He entered into a defence of the conduct of Sir John Clavering, Colonel Monson, and himself, declaring they had uniformly obeyed the orders of the Company, and done every thing in their power to prevent abuses of every kind. He took notice of what had fallen from Lord Thurlow in the other House on the first reading of Mr. Fox's India bill, when, he said, his Lordship had been pleased to declare, he wished Mr. Clavering and Mr. Monson had been *drowned*. It not being consistent with the forms of the House to mention any noble Lord by name, he described him as a man of elevated rank, high in situation, and eminent in ability; but as a man not merely grave, but one who pushed gravity to sternness, and sternness to ferocity; and animadverted very pointedly on so disgraceful an attack, as he termed it, upon men who deserved so well as those two gentlemen did; he would put himself out of the question; but he trusted, he should that day have the support of every soldier, and every man who had served his country, on their account. He declared openly and fairly that he did

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not seek a seat in Parliament to serve himself, or to represent England. His wish was to serve India; she had the first claim upon him, with that view he had got into Parliament; and however gentlemen might differ in opinion with him, he was persuaded he was contributing most essentially to the service of his country, by his endeavouring to rouse the attention of that House to the preservation of India. Having dwelt for a considerable time on these particulars, he returned to a consideration of the other clauses of the bill, and particularly animadverted on that, to which he had called the attention of the House on a former day, viz. the clause disqualifying persons who had been employed in the Company's service in India, and had come home, from holding any station in India for a limited time, unless it could be made appear, that such persons came home for their health's sake only. By virtue of this clause, Mr. Francis said, a bad man might have been sick, and have come home to England, which would not have disqualified him from returning in a lucrative situation to India; while a good man, who happened to have come home on a variety of reasons, but not on account of ill health, was, by this clause, debarred from returning to India in the Company's service, and thus he and the Company were mutually disadvantaged; he, from making use of his talents where he could exercise them most beneficially for himself; and the Company, by being deprived of the services of an honest and able person.

Mr.

Mr. Francis introduced what he meant to say on the part of the bill which contained clauses for the regulation of a new tribunal to try delinquents in India, with a declaration, that he had observed the Chancellor of the Exchequer was always most eloquent upon the subject of our Constitution, and its essential advantages to the subject, just when he was about to follow his declamation by some measure that directly broke in upon both. The able and animated manner in which the right honourable gentleman had praised that glory of an Englishman, trial by jury, Mr. Francis said, had induced him at the time to imagine, that he had it in contemplation to amend the defects of the Court of Calcutta, and to give to British subjects in India the benefit of a trial by their Peers. Unfortunately, however, after raising the expectation of every gentleman present, and exciting the House to the highest degree of admiration of that view of our Constitution, the right honourable gentleman chose to turn short round, and suddenly propose the institution of a tribunal directly the reverse of the excellent jurisdiction, of which juries was a necessary part; a tribunal, the only example of any thing like which was the Court of Star Chamber; a court, reprobated by every writer who felt the smallest regard for the freedom of his country, and detested by all who wished that justice might on every occasion be candidly and impartially distributed. In defence of this new tribunal, it was not in imagination to conjure up an argument, that could possibly justify such an institution. If it be admitted,

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said he, that taking the law as it now stands, the formality of pleading, and the difficulty of ascertaining, according to the strict rules of evidence, facts which have arisen beyond sea, are such as will create a failure of justice, it does not follow, that it is at all necessary to deprive persons accused of offences in India of trial by jury. The Court of King's Bench has always the power of trying misdemeanors committed in India, under the 13th Geo. III. cap. 63. *with the assistance of a jury*. If the forms of pleading, and the rules of evidence, stand in the way of justice, let the law be altered. With respect to special pleading and evidence, let the King's Bench be governed by the same rules that are laid down to govern the practice of this new court; and then it will be as competent as this can be, to take cognizance of, and punish, offences committed in India; and still the party accused will, in every instance, have the privilege of being tried by his peers. When the act of 1774 was made, it was thought necessary to alter the law with regard to evidence; and it was accordingly enacted, that depositions taken under a Commission in India, should be admitted as evidence in the King's Bench: but trial by jury still remained; the Legislature did nothing to affect that. Before this act, a misdemeanor committed in India could not have been tried upon an information in the King's Bench; so that here was a new jurisdiction given to that Court; its jurisdiction was at least extended to offences in India, which were before not cognizable in that Court, either by information or indictment.

indictment. At common law, treasons committed out of the realm were not punishable in England. To remedy this defect, various acts were made in the reign of Henry VIII. but even in the arbitrary reign of that Monarch, no attempt was made to deprive the subject of trial by jury. At common law, murders committed in foreign parts could not be inquired into in England: but by the 33d Henry VIII. cap. 23. they might be inquired of, and tried by the King's Special Commission in England. By this act, a new tribunal was erected; but still no attempt was made to abolish trial by jury: even in this Commission Court the party had the privilege of being tried by his peers.

Having used various arguments to prove this new tribunal as exceptionable as any court, in which trial by jury is abolished, must always to the ear of an Englishman sound odious, Mr. Francis said, that this Ministry called itself a popular one; and a noble Lord, or rather a noble Commoner, whom he did not then see in his place, and who had lately changed his opinion, had taken an early opportunity this session of declaring he had done so; and that now the Minister had come into power as he ought to do; now that he had been borne through the front door of that House upon the shoulders of the people, and no longer trod the private path to power that secret influence had provided, he would support him in all his measures. Let the noble Lord, and let the Public at large, look at facts, and let them form their opinions on solid and substantial grounds: they would find

find that the existence of the present Administration had been distinguished by more direct attacks on the democracy, and more open attempts to subvert the liberties of the People, than any Administration in his memory. No sooner was the Parliament assembled, than an early opportunity was taken by them to give the People an idea that their continuing to hold a share in the Legislature of the country was a matter of perfect indifference, and that taxation and representation were separate and distinct considerations. Scarcely had they thus taught them to bear the taxes imposed on them by a Parliament in which they had no representatives, than they proceed another step, equally bold and equally violent, and aim a mortal blow at that palladium of British liberty, trial by jury. Let the People beware ! Let them see their danger ! Let them recollect, that the case of Westminster to-day, might be the case of London to-morrow, the case of Middlesex the day after, and so on, till three fourths of the kingdom stand unrepresented in Parliament ! If the reason of mankind was not quite gone ; if they could yet see, and hear, and feel ; if they had not lost their senses as well as their understandings, they must by this time discover the delusion into which their rashness had precipitated them ; and perceive the danger their dearest privileges stood in, while they remained within the reach of an aspiring Administration, who clearly meant to take advantage of the popular prejudices in their favour, and, one by one, to break down every barrier that the Constitution had placed round the

liberties of Britons, as their best guard, defence, and preservation. Mr. Francis declared, if the present bill passed, he thought India would be worse governed than ever; he, therefore, concluded with opposing the Speaker's leaving the chair.

Mr. *Cawthorne* rose to exculpate Lord Delaval from any suspicion of having been actuated by any impure motive in the conduct to which the honourable gentleman had alluded. He said, he was persuaded there was not a Member of that House more independent in principle, or who acted with a greater degree of disinterestedness, than the noble Lord; and he held it to be but an act of justice for him to declare as much in the noble Lord's absence.

Mr. Chancellor *Pitt* said, he always listened to the honourable gentleman with great attention, who had opened the debate, whenever he rose to speak upon Indian topics, because undoubtedly the honourable gentleman had it in his power to communicate a considerable degree of local information to the House. On the present occasion, he believed, he should stand without excuse, if he much longer prevented the Speaker's leaving the chair, by attempting to follow the honourable gentleman through the wide and extensive field that he had gone over, since the House, he doubted not, would join with him in opinion, that the honourable gentleman had said nothing that could in any degree convince them, that the House ought not to be put into a Committee; but, on the contrary, almost every thing that had dropped from the honourable gentleman was an additional argu-
ment

ment for the bill's going immediately to a Committee. The honourable gentleman had made a variety of remarks upon almost every clause of the bill ; but by far the greatest number of those remarks were easy to be obviated. With regard to the Preamble not being more stuffed with a recital of abuses, he really saw no occasion for the preamble to comprise a history of all the abuses that had prevailed in India for these twenty years past, any more than a catalogue of the names of those persons who had committed the largest share of the abuses alluded to. The bill was not a bill of a retrospective nature, but a bill framed with the desire of providing a better system of government in India, and of the East-India Company's affairs for the time to come : and the aim of it had been to attain that end by two means ; by the power of recal, lodged in a Board of Control and Superintendence, and by the institution of a tribunal for the trial and punishment of future delinquents in India after their return to England. Who had most merited censure and punishment for their conduct in India hitherto, and what the nature of that conduct had been, were considerations totally distinct and separate from the principle and purview of the present bill, and might hereafter come under discussion. At present he begged leave to call the attention of the House to the bill, which was the only topic before them, and to remark, with regard to what they had just heard, some of the honourable gentleman's objections appeared to arise wholly from his not having properly understood the nature and

meaning of the particular clauses to which they had been applied ; others were objections, which would no longer exist, after the amendments were proposed, that it was his intention to propose ; and in answer to such of them, as complained of clauses being so worded, as to require to be translated into sense, he could only say, that those individual clauses had been copied entire from a bill that had been brought into the last Parliament by a right honourable gentleman opposite to him, and had gone through a stage or two exactly as they were, and without any person's finding out, as the honourable gentleman had done, that they stood in need of translation. A few of the honourable gentleman's objections had arisen from his having thought proper to forget that they had already been answered on a former day ; a great part of his speech, that which went upon what had been stated to have been said by a noble and learned Lord in another place in the last session of the last Parliament, (and which he would take upon him to assert, was not a correct account of what the noble and learned Lord had then said,) though it arose from sentiments which might very naturally be supposed to have been excited in the breast of the honourable gentleman, would not, he believed, be thought by the House in general to have any very near relation to the immediate subject then before them. He would not however any longer delay the House from going into a Committee, but would reserve what he might have to say upon the bill till after it had been amended, assuring gentlemen, that he had not the presumption to suppose, that a bill

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comprehending so many important objects stood any chance of coming out of a Committee in nearly the same state in which it might go into it. He had himself a variety of amendments to propose, that would materially alter it, and bring it much nearer to the principle which he had opened to the House a few days since, as that to which he hoped to be able to adapt it; and he expected, when in the Committee, to receive a considerable degree of information from gentlemen of all sides, whence many useful amendments might be selected, so that upon the whole the bill would receive a sufficient share of improvement to render it much more generally agreeable, than he feared it was in its present form and shape. The Chancellor concluded with moving that the Speaker leave the chair.

Mr. Fox, in a speech of two hours, discussed the principle of the bill. He began with saying, that he rose in the present stage to object to the Speaker's leaving the chair, because he found himself under the necessity of objecting to the bill *toto caelo*—in all parts, and in its fundamental principles. He had flattered himself that the right honourable gentleman's second and third propositions—those regarding the regulations, and the new judicature to be appointed for India, would be so far conformable to the opinions which he held on the subject, that he would have been able to go into the Committee, and for this reason he had foreborne to say any thing on the second reading of the bill; but now that the bill was printed, and that he was able to examine the two latter parts as well

well as the first, he must freely and explicitly declare, that he objected to the whole. He thought the principles of the bill the direct opposite of what they ought to be with regard to the regulations as well as the government ; and he could never consent to the institution of the sort of tribunal stated in the bill, without giving up every principle on which he had been taught to approve of the criminal judicature of England.

As he objected, therefore, to the principle of the bill, the present was the stage in which he must deliver his opinions. He begged the House, at the same time, not to be deceived by the distinctions which it was now the incessant practice to make between the principles and the objects of a bill. It was lately become the practice to confound the one with the other. It was often said to them, What ! would you refuse to go into the Committee on a bill which has for its principle to reform the abuses of India ? Would you object to a bill which is to restore the Zemindars to their possessions, and which is to punish delinquents ? They thus artfully confounded the matter ; for these were not the principles but the objects of the bill. The principles were very different ; and, to the principles, that is, to the foundations of the bill, the House were ever to look ; and when these were not good, they were not justifiable in going to a Committee, merely because the end was desirable. No man upon earth acknowledged with more readiness than he did, the necessity of the object of the present bill ; no man would go greater lengths to accomplish

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it; but he could not accept of the principles of this bill as the means; much less could he believe that these means, if accepted, would be effectual.

In regard to the first part of the bill, namely, the settlement of the government of India, he must observe, that on the bill which he had the honour to propose to the last Parliament, it was asserted that he had violated the chartered rights of the Company—and chartered rights were of so sacred a nature, that nothing but extreme necessity could justify their violation. The Chancellor of the Exchequer had made the confession, that necessities might arise to justify the rescinding of a charter; and it was well he did so, for if ever a charter was completely and totally annulled, it was the charter of the East-India Company by the present bill. He by no means brought this as a charge against the right honourable gentleman—it was his opinion that the charter of the Company ought to be annulled.—It had always been his opinion, that no charter ought to exist pernicious to the community whom they affected; and that the rights of a few ought not to stand in competition with the well-being and happiness of the whole. This had always been his opinion, and the Chancellor of the Exchequer had come over to it. He had abandoned his former opinion on this subject. He by no means brought this against him as a charge; on the contrary he wished to God he had abandoned all his other opinions, and all the principles on which he came into office—he should like him and his Ministry the better.

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When the right honourable gentleman brought in his former bill, he said that his entrenchment on the charter of the Company was not a violation, because he had the consent of the Company. On the present occasion, however, the House had heard of no consent. The consent indeed which the right honourable gentleman then stood upon was a fallacy; because in a community like the East-India Company, the consent of every individual proprietor was necessary to a surrender, and could only make it legal; for where every individual proprietor of stock was concerned and involved, it was a fallacy to say that a resolution of the General Court, hastily convened, poorly attended, or even consisting of a majority, could make a surrender of the properties of those who were absent. Then it was a delusion; but here this circumstance was wanting—There was no consent ever hinted at, and in reality none had been given. He begged, therefore, that they might hear no more of his bill having violated chartered rights, and that therefore it was not to be borne—the present bill was guilty, if it was guilty, of equal violation; and it had this peculiar quality, that it violated the charters of the Company without promising to amend the general interests of the empire.

The right honourable gentleman had abandoned his ground with respect to Commissioners. He had adopted the notion contained in his bill, of vesting the powers in the hands of Commissioners—and he must again repeat, that he wished to God he had abandoned all his other principles. He wished he had

had abandoned the principles on which he came into power—principles which were neither honourable to himself nor safe for his country. The right honourable gentleman, continues Mr. Fox, has taken notice of what my friend, Mr. Francis, has said, respecting the preamble of the bill. In my mind, the observation of Mr. Francis is perfectly just; but the omission of the abuses by the framers of the bill has been very artful. If they had stated the grievances of the East Indies, they would have exposed the weakness of the bill; for they would have shewn, that not one of its provisions was calculated to redress the grievances which the preamble would have stated to exist. This is my idea, and I trust I shall make it appear—I trust I shall be able to shew the House, that it is a bill calculated to increase every principle that has given rise to the calamities of India; that instead of reforming, it is calculated to perpetuate the abuses which exist, and to put the conclusive seal to the miserable system of that country.

What are the principles of the calamities in India? Are they, that worse men have been sent to India in the government of our affairs, than those who go elsewhere, or who stay at home? No—The men are not worse, but the temptations to delinquency have been greater, and the great distance from the seat of government has given impunity to abuse. If this is the source of the calamity, which I contend it is, what is the remedy?—Surely that the power shall in future be given to persons on the spot here, who consequently will neither have the temptations nor the

impunity. Instead of which the bill before us gives more temptation and power to the Governor in India. —He is rendered infinitely more capable of abuse, and he is set more above the reach of punishment. —What has been declared as the next principle of our calamities? —“That orders from home have been disobeyed in India, and that no instructions which have been sent out have at any time been regarded.” What is the evident remedy for this evil? Surely to make the chief officer in India so directly dependant on the source of Government at home, that he should not have it in his power, whatever might be his inclination, to disobey the orders which he might receive. Instead of which, the bill adds so considerably to the powers of the Governor there, that he has no check upon his ambition. If the bill had been framed by the delinquents themselves, it could not, in my mind, have been more directly and clearly calculated to perpetuate the abuses. Whether the bill may not be framed by those delinquents, or at least by their emissaries, is a matter which it is not our business to discuss, whatever may be our suspicions.

My next principle, continues Mr. Fox, with regard to India, always has been, that whoever has the government, ought also to have the patronage. The right honourable gentleman may talk speciously in this House about the division of the power and the patronage; but in my mind, if there be a receipt, a nostrum for the making of a weak government, it is by giving the power of contriving measures to one,
and

and the nomination of the persons who are to carry those measures into execution to another.

Nothing in my mind can be more clear than this proposition, that the concerting of the measure, and the appointing of the officer, ought to be in the same breast. Instance a great army: If a plan of operations for an important campaign was concerted by one Board, would it not be the height of madness and absurdity that the power of nominating the General who was to carry that plan into effect should be trusted to another? In such a ridiculous system, where would be the responsibility? The authors of the plan, if it miscarried, would say the fault was in the officer. The nominators of the officer would say it was in the plan. Oh but, say the Ministers, we know that such a system would be too absurd to last, and therefore, you see, we have the power of a negative. I am pleased that they have any thing that looks like unity; for surely nothing can be so ridiculous, and nothing so childish, as to disjoin the patronage from the Government.

If, for instance, the new Commissioners should send out instructions to check all farther accession of territory—all future sanguinary measures—all rapaciousness and bloodshed—and at the same time that the Court of Directors should appoint, which it is very probable they would do, Mr. Hastings to carry their instructions into execution; does not the bare statement of the case shew the compleat absurdity of the idea? Theories which do not connect measures with men are not theories for this world—They are the

chimeras with which a recluse may divert his fancy, but they are not principles on which a Statesman would found his system. Mr. Hastings, for instance, has declared his mind. He has shewn us, by the experience of many years, that he is determined to disobey orders which tend to peace—but what are all the instances compared to that daring act of disobedience—his not carrying into execution the orders for the restoration of Cheyt Sing. [*Here Major Scott called across the table, “No such orders were ever sent.”*] Mr. Fox went on. He thought there were; but should he be ordered to replace Cheyt Sing, after he has declared that he will never consent to so degrading an instruction, what must be the feeling and sentiments of India on the occasion? Would they not say, These are pompous words—You preach out charity to the ear—You say peace, peace, when there is no peace—You tell us that the sanguinary system shall be no longer pursued, and in the same breath you continue a person in power, of whom a learned gentleman (Mr. D——) said, “that he never went out of Bengal without carrying blood and devastation in his train—That he never paid a visit to the borders but for the imprisonment of some Prince, or the extermination of a people”—What other can we conceive of such inconsistency, but that you design to cheat us? We can have no opinion that you are serious—You have all along given the same instructions to the same man; he has always disobeyed them, and we, therefore, have no longer confidence in your sincerity. But the negative provides against the appointment of improper officers.

cers. The Commissioners have a negative, and therefore they have full power. Here, then, is the compleat annihilation of the power of the Company. —Ministers take the compleat government into their hands, and here is a full and direct violation of chartered rights. That the bill originated in India, or that it was in all its parts suggested by men who had imbibed the politics of India, he verily believed. It was a scheme of dark and delusive art, and seemed to be built on the model of the attack made on the Great Mogul, and the King of Bengal. It worked upon the Company's rights by slow and gradual sap. The first assumption made by the Minister was the power of "superintendence and control." What he means by this power I cannot easily imagine. Does he mean such a superintendence and control as this House has over Ministers? No; for this House has not the power of giving official instructions—It is to be an "*active control*;" and this is the next step—An *active control* is not a very clear species of authority, and may be carried to a very great length, until at last they give a full exposition of their views, and seize upon every thing but the shew of authority. Such, exactly, I am informed, was the plan by which the Great Mogul and the King of Begal were reduced to what they now are.

To this artful and progressive scheme I peremptorily object. If it be right to vest the powers of the Court of Directors in a Board of Privy Counsellors, to which however I should object, it should, at any rate, be done openly. A great nation ought never

never to descend to gradual and insidious incroachment. Do what you wish for openly—and shew the Company that what you dared to do, you dare to justify. If the question were merely, whether the powers ought to be continued in the hands of the Directors, or put into the hands of a Board of Privy Counsellors, I should not hesitate one moment to give it to the latter; but, unquestionably, I do not approve of the idea of giving it to a Board of Privy Counsellors.

The great object in settling the government of India affairs is to contrive the means of separating the commerce from the revenue. The right honourable gentleman, who is infinitely more fond of talking about looking our situation in the face than he is of really doing so, has not upon this occasion, and in this instance, looked our situation in the face. I took much pains in my inquiry concerning the commerce and the revenue. I consulted with every one capable of giving me instruction, or of suggesting the means, but I could not devise the means of really and beneficially separating the commerce from the revenue. I found that they were so involved, as to be for a time at least inseparable. I found that the revenue was absolutely necessary to the conducting of the commerce, and that the commerce was essential to the collection of the revenue. I felt the difficulty. I agreed with some of the most intelligent men, that a separation might be effected by time, but I looked our situation in the face, and finding the necessity of the state called for the government of India, I took the commerce as well as the government.

vernment. This was my measure, and the House knows the cry which was circulated throughout the country. What is the measure of the right honourable gentleman? The Board may send instructions to India in commercial matters, where they think the revenue is concerned. The Chancellor of the Exchequer, and one of the Secretaries of State may do this. But if the Company should conceive that the subject of the instructions is merely commercial, they may appeal—appeal to whom, from whom? Appeal from the Chancellor of the Exchequer, and one of the principal Secretaries of State, for the time being, to the King in his council? What, will not the King in his council advise and take the opinion of the Chancellor of the Exchequer and the Secretary of State? Or is it insinuated by the Bill, that the security of the Company consists in the appeal being from the ostensible advisers of the King to the secret junto, who are really the efficient Ministers of the country? Is this, which has been with so much probability suspected to be the case, now to be acknowledged? Or is the appeal any thing more than a fallacy and a farce?

Here, then, is the difference between my abominable bill, and the bill of the right honourable gentleman; between my bill, which has excited so much clamour, but upon which I am ready now, and ever shall be, to appeal from the Public to the Public; not doubting but that, however they were deluded by the nonsense of epithets for a time, they will form a true judgment at last. By my wicked bill the commerce was taken as well as the government.

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By this bill, if the Commissioners do meddle with the commerce, the Directors have the glorious privilege of appealing from the Minister to the Minister. My bill placed the commerce in the hands of nine gentlemen, who either were at that time, or formerly in the direction, and who consequently were competent to the care of it. This bill gives government, territory, revenue, and commerce, to a Board of Privy Counsellors. This is a bill, in my mind, calculated to perpetuate weakness. It perpetuates weakness by dividing the power. Leave the entire powers with the Directors, or take them entirely away. There is no middle course to be run.

I have been told since I came into the House this day, that the clause of secrecy is to be withdrawn. I am glad to hear it, if it is meant fairly—It would have been highly absurd that such a contradictory system should have been established under the name of a Government, where orders might secretly be conveyed to India by the Commissioners, at the very moment when they were giving their open countenance to instructions to be sent from the Directors of a quite contrary tendency. It would have been a farce, a child's play, rather than a Government, to suffer such a scheme of dark intrigue.

I now come to speak of the influence which has been made so much a topic of declamation and of clamour. I do not scruple to say, that I would infinitely rather see the influence erected at home than abroad, because I am sure that at home it would be much less than abroad. Will any man tell me, that if Mr. Hastings had been at home he would have
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been able to do the same things which, with his long arm, he has been able to do in India? Could he have withstood the resolutions which the learned gentleman (Mr. D——) so much to his honour, moved against him two years ago? Or could he have had such influence as to have worked upon the same learned gentleman, after he had made the declaration which I have recalled to the memory of the House, “That Mr. Hastings never went to the borders of Bengal, without having in view the imprisonment of a Prince, or the extermination of a people,” should, in two short years, state to the House much in his praise, and very little in his disfavour, and should say, that “his recat was only a matter of expediency at the time.” Could such a conversion have been accomplished by any person in England? No, Sir, it is the great India Governor at Calcutta whose influence I dread. But, say Ministers, the plan of succession by seniority and gradation will destroy the great influence of the Chief Governor in India. Is this true? Are all Captains alike? all Majors, all Colonels, all appointments of the same rank, civil and military? No, the source of influence in India is the service on which they are sent. One Captain may be sent to one place, and another to another; one to Benares, another to Owde; and the great object is to procure the lucrative instead of the valueless destination. Hence, then, the absurdity of the projected scheme of seniority and gradation. By such a scheme you take from the power at home the means of securing the attachment and loyalty of

the inferior. Compare it again to an army! The General must undoubtedly be invested with powers sufficient to the execution of the measures intrusted to him; but at the same time he should constantly know, that his authority is derived from a source to which all his army look up for preferment, and from which alone he can draw security for himself, establish the principle, that all his officers and men should be advanced according to seniority and gradation, leaving to him the sole authority of sending this Colonel to one service, and that to another: and what is the consequence? That the army becomes the property of the General more than the King, just so of the Company. If the civil and military officers do not look to home for preferment, if their fortunes are to depend solely on the chief Governor, what more have they to do than to court his favour, by entering into his views. If he should desire to disobey the instructions, his army is ready to support him, for the parent power has yielded up the means of drawing the expectations of the body to itself. Unhappy land! thus art thou devoted to the continuance of that pernicious system which has devastated thy fields! which has drenched itself in thy blood, and fattened on thy spoils! Thus, miserable people, art you to be abandoned to the merciless and insatiable lusts of a successive band of sanguinary adventurers, before whose eyes no punishment is set up equal to the temptations which the luxuries of your land present to them? Would it not be better to say to the Governor which you shall send out, Act as you

you please in Hindostan for these four years to come: Do as you like; all I shall require from you is to give me an account of your transactions when you return!

My bill was charged with erecting a fourth estate in the Legislature. Did my bill erect any estate which did not exist at the time? The Court of Directors was the fourth estate, and my bill only changed the nature of that estate. It changed it from an estate without efficacy, to one which promised to have it.—It changed it from one which, from its equality, was liable to much delusion, to one which, by being incessantly under the eye and inspection of Parliament, was less liable to imposition, or to misconduct. It changed it from one not controlable, to one constantly under check, and removeable by address from either House. Could the Commissioners have endured one moment after an address? They could not, like the present Ministers in the last Parliament, come to reason against the address. They must have retired. If that Board had been nominated and removeable by the Crown, I may venture to suspect that the bill would not have been so harshly treated in another House.

If I had made the Board removeable by the Crown, it might not have been so palatable to the last House of Commons; but to the other two branches of the Legislature, I think I may venture to suspect it would have been more agreeable. I have been accused of grasping at power. Did I shew such a disposition? The road was open. I had only to be instrumental to the influence of the Crown,

to the increase of that influence which I had contributed to diminish, and the road to power was open; but it would neither have been honourable to myself, nor safe for the People. I chose my course; and I do not regret the personal consequences. This bill, on the contrary, increases the influence of the Crown, without reforming the abuses of India; it goes a length which mine never presumed to go; and, indeed, it is too much the character of the present Ministry to subject the country to very great and alarming inconveniencies, for very uncertain, and, at best, but very slender good. I shall have occasion, in the course of a few days, to call the attention of the House to the exposure of this truth.

With regard to the regulations which are proposed with respect to presents, I think that in the year 1784 they are idle and ridiculous. They were made in the year 1773. They were then made as strong as they can be now, and they have been of no avail. The only efficacious plan of putting an end to this and every other abuse is, by the institution of a vigorous Government. Place vigorous powers in the hands of men constantly under the eye of Parliament, and what are the consequences? If they should come down and say, "We sent out strict injunctions, but they have been disobeyed," the answer would be apt and conclusive, "Why do you not remove the disobedient officer? Instantly appoint his successor, and bring home the delinquent." Such was the prospect which I had in the appointment of Commissioners; and so far am I from thinking that the institution of such a Board would have given im-
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menſe influence to the Miniſters who ſhould appoint; that even now, when I ſhall hardly be ſuſpected of wiſhing permanency to the Miniſters in being, I am moſt earneſtly deſirous that they ſhould inveſt Commiſſioners with the complete power of the Indian affairs; ſo anxious am I for the permanency of the Indian Government,

But I was aſked, why ſhould the Indian Government be rendered more permanent than the Britiſh? It is more neceſſary, in my opinion, that there ſhould be more permanency in a diſtant Government than in a near one. Shocks in the one cannot be obſerved when they happen, and the effect of changes might not be ſeen in time to be remedied. My Board had not complete permanency, but it had a chance for permanency by its conſtitution. From what ſource has all the weakneſs of the Indian Government ſprung? From the variations which happened in our own Government at home. Why has Mr. Haſtings preſumed to diſobey the reſolutions of Government? Becauſe he has dependence on a party, which, in the chance of changes may be able to protect him by the time that his diſobedience is known. I ſee an honourable gentleman ſmile; (Major Scott) perhaps that gentleman's ſmile means to inſinuate, that his great friend's dependence is on a power not liable to the changes of party, and from which all the calamities of the reign have originated — Perhaps it is too true — and too viſible, that the preſent bill is the production of the ſame fountain. The time may come, and I truſt it is not far diſtant, when the eyes of that
quarter

quarter may be opened to the true interests of the Crown and People. To sum up my objections to the first part of the bill, they are these:—It provides for a weak Government at home by the division of the power—and it perpetuates the abuses in India, by giving additional authority to the officers abroad. It is unstatesman-like in its principles, for it absurdly gives the power of originating measures to one Board, and the nomination of officers for the execution of those measures to another. It increases influence, without vesting responsibility, and it operates by dark intrigue, rather than by avowed authority.

In regard to the second part of the bill, consisting of the regulations, I think, and always did, that the zemindars and polygars ought to be restored to their possessions, and that the rents should be fixed and settled by a rule of past periods, and not of future inquiry. Begin fresh inquiries and assessments, and you give authority to the very evils which you profess to remove. I consider all the prohibitory clauses against presents as new words, and I must do so in recollecting how much has already been tried, and to how little effect.

Mr. Fox here referred to the conduct of General Clavering, Colonel Monson, and Mr. Francis, of which he spoke in the most handsome terms; and he alluded to the memorable expression of Lord Teignmouth, "that he wished the ship had gone to the bottom that conveyed them to India;"—an expression which he softened by saying, that he made the

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wish " because he could spare them out of the world." He spoke of this language in terms of strong indignation; and having spoke at some length of the faculties and features of the noble Lord's mind, he came to the third part of the bill, which was for the institution of the tribunal. He said, that when he brought in his bill, he was not ready on this delicate subject. — This, however, was clearly his intention, that however he might mean to legalize certain kinds of evidence, it never was his idea to touch with unhallowed hand the trial by Jury. He was as much the advocate of the popular power of the Judicature of England, as he was of the popular power of the Legislature. The beauty of the trial by Jury, was not so much, in his idea, that a man was tried by his peers, as that he was tried by men collected, as it were, by chance — to try one fact — to judge of the single case with minds untrifled by precedents. It was the office of the Judge in our Courts to call up precedents to his aid, and to make up his mind more from what his knowledge furnished him withal of precedents and practice, than from the discretionary feelings of the moment — while, again, it was the office of the Jury to determine only on the facts adduced, without referring to what might have been done in similar cases before. The new Tribunal partook of neither of these qualities in perfection — they were too much of lawyers to be jurymen, and too much in the nature of jurymen to be lawyers; that is, they know enough of precedents

to warp their judgements on the case, and too little of precedents to be found in their law.

He described the orders of men of which the tribunal was to be composed — It was compared to courts martial, but in his mind without truth — A soldier embraced his profession with the knowledge of that tribunal, and his submission was voluntary. Here it was, for those now in India were to be tried by this new tribunal: besides, a soldier had the advantage of being tried by men of congenial ideas and habits with his own. But it was in truth to be a screen for delinquents, for no man was to be tried but on the accusation of the Company or of the Attorney General. A delinquent, therefore, had only to conciliate Government, and he was secure. He instanced Mr. Hastings, and described this tribunal to be a bed of justice, which had been called a bed where justice slept.

After many forcible arguments on the danger and efficacy of such a tribunal, he concluded with a very animated apostrophe to the House, to beware of the adventures of this Ministry, which, if it could not boast of the vigour of youth, had at least all its rashness.

Mr. Dundas observed, that the right honourable gentleman who had just spoken, had been careful in setting out, to caution the House against being misled by the dangerous and absurd idea that prevailed, namely, that every bill, though acknowledged to be imperfect, ought to go into a Committee. He declared, that he had no wish to avail himself of any such general opinion. He confessed, that the commitment

mitment of a bill was the stage in which it was most likely to be cleared of errors: but at the same time, he would say, that a bill might be so faulty in its principles, as to render it utterly inadmissible into any Committee. If full credit could be given to the assertions of the right honourable gentleman—if the House were to receive his words as the oracles of truth—then would there be the greatest reason for granting, that the bill which was then before the House, was one of those which ought to be immediately arrested in its progress. His long and elaborate harangue went directly to prove, that it would be unsafe to proceed farther in the business in which the House was then engaged. It could not be denied, that the arguments that had been used, were numerous and plausible; some of them were even ingenious—They tended to establish a variety of facts against the bill; and if they could have established them beyond the possibility of doubt, or so as not to have been overthrown, the bill would certainly have appeared in a despicable light indeed. In that case, he would have been the first man to intreat, that it might never be received into a Committee. But, as his sentiments on that head were widely different from those of the right honourable gentleman, he would forbear any such solicitation. He would indulge himself with entertaining strong and sanguine hopes, that the system for the regulation of the territorial possessions in India, which had been proposed by his right honourable friend, would not only be a safe one to the Constitution, but one that would tend at once to en-

rich the Company, and to secure the lives and property of the natives of the East. These were advantages which had not been fully comprehended in any former bill of the same kind: in the present, they were completely so; time and experience had united to forward the well-meant endeavours of those who had planned it. The right honourable gentleman (Mr. Fox) seemed desirous to appeal to the Public on that occasion — He appeared to look for some species of triumph, from contrasting his bill with that of the right honourable Chancellor of the Exchequer. But small would be the praises that an impartial discerning Public could grant on such a comparison. The principles and the ultimate causes of the two bills were very opposite to each other — The one boasted that it took no power from the Crown, nor gave any to the legislative branch of Government; while it was, at that very moment, annihilating every particle of power which properly belonged to the Crown, or to the executive branch of the Legislature; and also robbing a great and respectable body of men of their dearest and their most invaluable rights. The other bill, again, was intended to lodge a principal share of the executive power of the territorial laws of India, in that department of Government in which it ought, by right, to be vested; and it shewed every degree of tenderness to the chartered rights and privileges of the India Company: it was, in fine, one which, he doubted not, would produce that happy and desirable mixed Government, which every friend to the immunities
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of a wealthy people, and every supporter of a free and noble Constitution, would cheerfully welcome and maintain. The right honourable gentleman had attacked it, because it was so repugnant to the notions which he had expressed on the appearance of his bill in that House. He was happy to think, that the great defect imputed to it, was of that kind — that very defect was, in his honest opinion, the greatest excellence which it possessed. Though the present bill gave new powers to Government, yet they were so limited and circumscribed, that they could not, in the hands even of the most abandoned Prince, be converted into instruments of mischief or oppression. They went only to give those checks to the proceedings of the Company, which all the world had confessed to be so indispensably necessary. One officer, or two, Government was enabled to appoint; and it was to have a voice in recalling — beyond that its power did not extend; all other rights and privileges were to remain with those men, who had long been allowed to have the justest claim to them. Thence it appeared, that the patronage and authority over the East-India Company's concerns was, by the bill of his right honourable friend, equally divided among different powers. Was the case such with the bill of the right honourable gentleman on the other side of the House? No: there was *there* to be no distribution of patronage — His Board of Commissioners were to possess all, fully and indisputably. Every appointment, civil, military, and commercial, was to proceed from them — Every individual dependent

on the Company was compelled to stoop to them — They were to be princes at home, and sovereign umpires abroad : a revolution at which nought but the aspiring ambition of that right honourable gentleman could have aimed. He had offered many arguments to shew, that his bill was equal, if not preferable, to that of his right honourable friend. In order to prove that, he had argued well, and he had also argued sophistically ; but neither his just reasoning, nor his sophistical reasoning, had been sufficient to convince him that their merits were at all equal.

The right honourable gentleman had thought proper to asperse the bill before the House, on the score of its being calculated to bestow too great a share of patronage on the Crown. By that bill it was to be enacted, that no one cadet should be appointed for the space of several years ; for a time, indeed, within which the charter of the India Company would expire : and did that argue a desire of grasping at too much patronage ? It was farther to be enacted, that all promotions in India should follow in a regular succession. From that circumstance, every mean of favouring and promoting the sons of great families was cut off. It had also been alledged against the present measure, that no public good was to be expected from it, because one body of men were to nominate, and another to execute. On that head he did not need to use many words ; for nothing of consequence had been advanced by the honourable gentleman. Had he endeavoured to shew, that the

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Crown had assumed either too much, or too little power, then would he have made room for disputing the point : but, as he had judged it proper to wave that consideration, there was nothing more to be said. Two short arguments he had adduced ; and of these he would only observe, that he did not deem it fair to commend the one at the expence of the other : in truth, they were both equally false and hollow. Should the bill be reckoned defective by the Committee, on account of the circumstance which had been mentioned, still he was, in his own mind, convinced that the affairs of the Company, and of the nation, would not suffer much from that defect ; for it related chiefly to the conduct of the Company's servants : and he was persuaded, that their disobedience had never been so instrumental in promoting the ruin of the Company's affairs, as the want of permanency in the system of government adopted by the Directors at home. The Maratta war, for example, was not undertaken through the obstinacy or disobedience of the leading men in India : it was undertaken by the advice and order of the Board of Directors. He illustrated and supported his assertion by several strong evidences ; and seeing an honourable member (Mr. Francis) on the other side of the House smiling, he affirmed the fact still more positively ; and engaged to prove it, whenever that gentleman should think proper to enter into a contest with him on the subject. Here he defended his former conduct against some charges of inconsistency that had been brought forward by Mr. Fox.

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He said he never did vote for the recal of Mr. Hastings, because he blamed his proceedings. He did once wish to see him in England; and his reason was, not that he thought he had acted wrong, but that he feared that he would not be able to recover the confidence of the people of India. These words might not be precisely what he uttered on that occasion; but the sentiment he knew to be identically the same. Having vindicated himself, much to the satisfaction of the House, he again resumed his reasonings on the immediate object of that day's meeting. The bill under discussion, he said, was not held up to the world as a complete and unexceptionable view of what it would be proper to do with regard to India. It contained the great leading features only of a system for the government of that country. What it set forth on the subject of responsibility, might be susceptible of improvement; though he did really think, that, in that particular, it was less exceptionable by much than any former bill. It reposed a certain trust in a determinate number of Commissioners. It obliged the India Company to submit to the inspection of these Commissioners, copies of all their orders and dispatches; and if any of them should be deemed improper, it gave them a power of making alterations and amendments. But, said the honourable gentleman on the opposite side, my Commissioners were obliged to come down to Parliament, and give an account of their proceedings: so, added Mr. Dundas, will several of the new Commissioners; and besides, the laws

laws then waiting to be finally discussed by the Committee, made every offence liable to the severest re-
 prehension. There was no crime, there was hardly
 any piece of neglect whatever, that was not made
 punishable in one shape or other. On some of the
 topics to which he had been speaking, he remem-
 bered some very striking words of the honourable
 gentleman's on two former days. The first of these
 was so long ago as the 9th of April, 1782. Those
 words he read, and the purport of them was, "That
 the Legislature ought to be careful not to deprive
 the Company of the privilege of appointing their
 own servants; and that it behoved them to treat
 with the utmost circumspection and tenderness those
 inherent rights of the Company, their charters, &c.
 which were as dear to them as life itself." Here Mr.
 Dundas confessed that he never had been very fearful
 of the Crown acquiring too much influence. He
 believed that there would have been no danger
 in granting it more than the bill before them pro-
 posed to grant. What he meant, at that instant, to
 observe, was, how vast an alteration had been ob-
 tained in the sentiments of that honourable gentle-
 man since the year 1782. In the last session of Par-
 liament, he said, "Let us keep a watchful eye over
 the proceedings of the Company, that we may be
 able to remove their servants, as we shall judge it
 expedient:" and all the House well knew, with what
 respect and feeling he then proposed to treat the Com-
 pany's charters. On that day he discovered that he
 was again possessed of his original ideas. From these
 changes

changes he was disposed to hope, that the day was not far off when their opinions would accord; when that gentleman would confess, that the sentiments of his earlier years were those of wisdom and sound policy. He also reminded him of the language which he held last winter respecting patronage. On the article of *permanent government*, Mr. Dundas said several things that were equally entertaining and weighty. The appointment by one set of men, and the execution of law by another, was the chief ground over which the honourable gentleman had trodden. He had, from the consideration of these circumstances, concluded, that the newly-proposed system was too absurd to last. The strength of his arguments was derived from the notion, that no efficacious measures could be taken, while there was any chance of difference of opinion subsisting between the separate branches of the Indian government. He had a question of a nature somewhat similar to ask of the honourable gentleman. His Board of Commissioners was to continue for four years. Administrations were sometimes known to change within a much shorter time than that. How, then, were those Commissioners to act, when a new Ministry, with sentiments the very reverse of those who appointed them, should step into the Cabinet? That he did understand to be a difficulty which would be much harder to solve than that over which the honourable gentleman seemed to stumble. From these views of the case, he was inclined to believe, that there was either no danger in the mode of appointment

ment proposed by the new bill, or that that part of the right honourable gentleman's own bill was a mere solecism: for he thought it was fair to say, that either no Board, so constituted as the nine Commissioners were to be, could possibly act with effect under any Administration but one of views corresponding with their own; or that the new Administration for territorial possessions of India was regular and wise.

The next grand point of inquiry was, the influence which the new bill was to give to the Company's servants in India. On that topic Mr. Fox had descanted largely. He wished to propose one plain question to the candour of the House: Whether was it safer to the constitution of this country, that an overgrown power and patronage should exist at home or abroad? Merely to put the question, in his opinion, superseded all reasoning on the subject. His ideas on that head were nearly allied to those of a noble Lord, who had been rather unhandsomely alluded to, in the course of some of the speeches on the affairs of India. That noble Lord had said, that nothing could save India, but granting to the servants of the Crown immense patronage, together with immense responsibility; and, in that respect, they were both fully agreed. He then entertained the House at the expence of Mr. Francis, who, he said, had not come over to Britain, in order to serve any description of constituents, but to answer a speech that had been delivered by that noble Lord, which, he thought, reflected on some part of his proceedings. Mr. Francis had said, that the government of

India could only be maintained honourably and easily, by having the seat of direction in London; for otherwise, the natives of Hindostan would not regard the authority of the officers of the Company. Mr. Dundas held a very opposite opinion. He was convinced, that it was consonant to the genius and passions of Indians, to submit more readily to a power that was placed among them : they were fond of pomp and parade ; and never would be influenced by the mere sound of a distant government. Mr. Fox had argued against the inefficacy of some of the present laws, and, at the same time, the obstinacy and criminality of the Company's servants, by shewing, that little respect had been paid to the injunction of that House, with regard to the accepting of presents in India. To his reasonings, Mr. Dundas answered, that the most probable of all schemes for enforcing obedience had been adopted. A strong and positive law had been enacted, and heavy penalties and punishments annexed to it ; and, in his opinion, no other steps could possibly be taken by his right honourable friend. He humorously observed, that he did not see why that gentleman should have such an invincible dislike to presents. If he recollected rightly, his bill gave away some little presents.

As to the new Court of Judicature, Mr. Dundas was as far from being convinced by any thing that had fallen from the other side of the House, on that, as on any other point. What was proposed in the bill, he believed to be consistent with justice, with good sense, and good government. And he was as
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fully persuaded, that the business which was intended to be done in that Court, could neither be done in the Court of King's Bench, nor in the Court of Common Pleas; nor by a jury of any description whatever;—nor was even Parliament competent to try the causes that might proceed from India. Respecting the Court of King's Bench, gentlemen had already seen the inadequacy of that tribunal. Many unreasonable and unjust suspicions had been hinted with regard to the propriety of resting the disputes of India with the Attorney General; and many disadvantages had been connected with the mode that the new bill proposed. A trial by jury was recommended by the honourable gentleman over against him, something like the juries which now sit in this country. He begged the House to recollect the inconveniencies, and even impossibilities, that would accompany a trial by juries. Many of the objects that would occasionally come before them, would be of great magnitude and moment: the evidence necessary, would be very difficult to collect—so that on many occasions, the controversy could not be decided at one meeting.—In such a case, what was a jury to do? They could not starve in the exercise of their office; and if they did not expose themselves to the hazard of that calamity, the business would go often unfinished. Besides, the subjects which they would have to determine, would often be above the comprehension of ordinary jurymen. In fine, he thought no Court but that which the bill recommended, could answer all the great purposes that were to be attended to. That

bill proposed a Court consisting of members impartially chosen out of both Houses of Parliament. To these it was to add three judges, who were the oracles of our laws, and who would rule the proceedings of the Court with candour and truth. These were the persons, the only persons, who were qualified to decide the important concerns of India. He concluded with expressing his sincere wish to see the Speaker leave the chair.

Mr. Fox complained of misquotation of language by the learned gentleman who had spoken last. He allowed that what had been stated as his opinion respecting the Government of India, was in part true. He said that it was better to lodge the management of affairs with the India Company, than with the Government of this country. But what was the Government of this country at that period? He trusted no person who had attended to the revolution of the country, or the procedure of Parliament, was ignorant of it; and he thought, that on this ground he might safely rest the vindications of the assertion he had uttered on the occasion alluded to by the learned gentleman.

He entered into various elucidations of the statements of opinion, which the learned Lord had attributed to him, and said, that if perverting language was the mode which he had adopted, it was surely the best method of putting a period to all comparison of idea, to all comparison of difference, on a point in which variety of sentiment was admissible. Here he was interrupted by

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Sir *G. Sebuckburgh*, who called him to order.

Mr. *Fox* said, that on all occasions, he would subject his own judgement to that of the House, but that he would not allow himself to be insulted by any man. If the honourable gentleman could shew that he had transgressed the orders of the House, he would listen to him; but this, he was convinced, he could not do, as he had only been explaining points and elucidating paragraphs in his former speech which had been misquoted, and to which allusion had been made.

Lord *Delaval* said, he was very glad he had not interrupted the honourable gentleman—(meaning Mr. *Dundas*) in delivering the very able and eloquent speech he had made, replete with incontrovertible arguments, and full of much information, upon the subject which he had discussed. He made an apology to the noble Lord in the blue ribband, who stood up when he did, for detaining the House from hearing him; saying, he was sure his Lordship would consider him as called upon to make some reply to an honourable gentleman, who, as he was informed by gentlemen sitting near him, had quoted some expressions that he had used upon a former day, in order to shew that he changed his opinion relative to the confidence due to the Chancellor of the Exchequer, and given as his reason for having altered it, that he thought it incumbent upon him to concur with the general sentiments of the People. He said that the honourable gentleman who had been pleased to animadvert upon what he had said, was a young member
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of Parliament, that he himself had sat twenty-five years in that House, and he would venture to affirm, there was not a gentleman within those walls who would alledge that he had ever deserted or abandoned any principle which he had at any time supported as a rule of conduct; he very readily acknowledged, that what he understood the honourable gentleman had said in the course of the debate, as to his having altered an opinion, was true, and that he gloried in it; he should always hold himself open to conviction; that he voted with the majority of the last Parliament, because he *supposed* they spoke the sense of the People, and that he voted with the majority of the present Parliament, because he *was sure* they spoke the sense of the People; that he had not altered his opinion respecting the right honourable gentleman, of whom he had always conceived the highest admiration, but that he had totally changed his opinion respecting a report calculated to affect the right honourable gentleman's situation as a Minister. His Lordship said, he learnt the report from several honourable gentlemen in the last Parliament who sat on the other side of the House, but only from their speeches in their places, for that he never had conversed with any of them upon any political subject whatsoever, at any time, in private; that the belief of that report was formerly very epidemical in that House, that he caught the infection of it on the opposite benches, but that he did not see why the honourable gentleman should be angry with him because he had gone into the country and had
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got cured of it there ; had not he ample justification for the alteration of the opinion he held during the last Parliament ? Were not all the points on which he founded it in common with the majority of the last Parliament, and in which they differed from the right honourable Chancellor of the Exchequer, fully at issue before the People prior to and at the last general election ? Were they not argued before them with all the eloquence of those who opposed him ? Were they not reasoned upon in pamphlets written by the ablest party writers, who placed them in every possible point of view which they thought best calculated to convert them to their opinions ? Were not post-chaises, diligences, stage-coaches, and it is to be supposed from the vast numbers of these laborious and ingenious publications which were dispersed, broad-wheeled waggons loaded with them ? He did not blame these means of converting the sentiments of the right honourable gentleman's opponents to every part of the kingdom ; he was glad that every thing that knowledge and ingenuity could suggest upon all the questions in which the majority of the last Parliament had differed with the right honourable Chancellor of the Exchequer, had been so disseminated ; but he urged, that, as nevertheless the People had, almost with one voice, borne loud testimony to the virtues and abilities of that illustrious character, he felt no uneasiness on account of the honourable gentleman's having made remarks upon his having changed his opinion ; he differed extremely with that honourable gentleman who had made remarks upon
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his speech, in the opinion he had given, that either upon account of the bill then before the House, or of any other measure, the Chancellor of the Exchequer was become less popular than at the general election; that if the people of Great Britain were at any time, which he did not believe would ever be the case, to change their opinion concerning the right honourable gentleman, he should think it incumbent on him, as one of their representatives, to alter his—*(Here a laugh)*—Let, said his Lordship, that gentleman laugh who thinks I ought not to subscribe to the general sentiments of the People: it is consistent in that gentleman who laughed, to laugh, because he has declared in his place, his apprehensions lest the members of this House should pay too much attention to their constituents. Let the honourable gentleman who laughed ask his friend, the late worthy member of the county of Norfolk, why he is not here, and many others, why they are absent? His Lordship spoke warmly and interestingly upon this subject, and exposed the false arguments that had been made use of relative thereto;—he contended that the high approbation of the right honourable gentleman was not confined to the constituents of a few places, but had been loudly professed by almost all the people in the kingdom; that all those questions in dispute between the Chancellor of the Exchequer and the last Parliament, had been tried before the awful and solemn tribunal of the People, from whom no appeal can lie before those who laughed, or before this House; and he should ever contend, that he who alters and governs

verns his opinion by that of the People, proves himself a better friend to the Constitution than those who affect to laugh at such a declaration. And now, said his Lordship, having taken the liberty of speaking my sentiments pretty freely of the honourable gentleman opposite to me, for having laughed at such a declaration, I will bestow my praise upon him for some expressions which just now fell from him, in which he proceeded, as far as the present situation that he stands in would well admit, to hint a wish for such an union of abilities and experience as was desired in the last Parliament — [*Here Mr. Fox said, No.*] — upon which his Lordship said, then he would treat it in another way, and therefore he declared he thought the right honourable gentleman would hardly view it as necessary for the Chancellor of the Exchequer to come down from his high station, in order to treat with him, as the People themselves had removed all the difficulties that stood in the way during the last Parliament, of such a treaty; and that if those who disapproved of his Lordship, in giving his support to the present Minister, would follow his example, in supporting all the measures of Administration which were calculated for the benefit of the Public, it would at once put an end to party animosities and distractions, and secure the welfare and prosperity of the kingdom.

Mr. Francis rose immediately to assure the noble Lord, that in the allusion which he had made to a speech delivered by the noble Lord on a former occasion, he had meant nothing disrespectful to him;

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what he said upon the subject was necessary to the purpose of an argument he was then urging; but he had not introduced it in a manner that could have given the noble Lord offence, had he been present when he urged it.

Lord *Norib'* assured the House, that he would not take up much of their time, which he conceived to be the best way to bespeak their attention. His Lordship then descanted with some pleasantry on the observations of Lord Delaval, with regard to the effect of what had lately passed without doors, declaring, that although Mr. Coke, the late worthy representative for Norfolk, was no longer a member of that House, and though another gentleman had gone down to Banbury, in order to be chosen in his stead, and prevent him from continuing a member, yet he still adhered to his old opinion; in his time, he said, he had seen many changes of opinion, he had also lately witnessed a variety of changes, but notwithstanding he had lived in a court a pretty considerable part of his life, and might on that account be expected to prove supple and pliant, he had not bent to the prevailing prejudices of the day; he still remained in the same opinion that he had taken up before the dissolution of Parliament; he still thought the bill brought in by his right honourable friend for the government of India, and the regulation of the Company's affairs, a better bill for the purpose than that now under consideration. He might be thought obstinate, he might be deemed stubborn, in thus pertinaciously persevering to differ from the

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generality; he could not help it, it was his opinion, and he would abide by it. Speaking of Lord Thurlow, and justifying him from the suspicion of having any inhumane intention, when he used the expression relative to Sir John Clavering and Colonel Monson, that had been alluded to in the debate, he said, every expression apparently harsh, that escaped men in the heat and ardour of debate, ought not to be considered with seriousness. The same noble and learned Lord had on the same day compared the Reports of the Committees of that House to Robinson Crusoe, and said, they deserved no better credit. Now no man, he believed, imagined that this was the noble and learned Lord's real opinion, and he dared to say, his learned friend opposite to him had not been angry at the comparison, although he had been the author of some of these reports. He knew, for his part, that the comparison would not hold, because they were not quite so entertaining as Robinson Crusoe, and he believed his learned friend was not ready to allow that they were quite so fabulous. The only persons who had treated them as if they had been mere romances, had been the General Court of Proprietors of the East-India Company, who, notwithstanding what was stated in those Reports, and notwithstanding a resolution of that House directing the recal of Mr. Hastings, had paid the Reports, and resolutions of the House grounded on those Reports, no more regard than if they had been a second chapter of Robinson Crusoe.

Major *Scott* rose after Lord North, but the House being then very clamorous for the question, the Major observed, that he knew too well the respect he owed to the opinion of the House, to presume to detain them after their patience had been with great reason exhausted. If, however, they would have the goodness to allow him three minutes, he would be perfectly satisfied, and he trusted he should in that time be able to assign some very good reasons for sending the bill to a Committee, where it might be purged of the objectionable clauses, and rendered of real service to the country, and the East-India Company. An honourable gentleman, who opened the debate (Mr. Francis) had gone over a wide field; he could not now follow that gentleman, and keep his promise to the House. All he should say therefore, was, that he totally differed with the honourable gentleman, as to his opinion of the desperate state of our affairs in Bengal; but he trusted the House and the public would recollect, that in 25 days after the honourable gentleman landed in Calcutta, in 1774, he transmitted to the Court of Directors as melancholy a picture as he had now given to the House. He then found Bengal depopulated, its revenues wasted, and even murders daily committed in our most populous cities. That description was as fabulous as this day's. The honourable gentleman had himself seen many prosperous years in Bengal since 1774; and he trusted, that in the next ten years they should see many more.

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With respect to the declamation of the right honourable gentleman (Mr. Fox) he earnestly prayed him to bring a charge against Mr. Hastings. He talked in general terms of disobedience of orders. Would the right honourable gentleman have the goodness to descend to the level of common mortals, and specify one single instance of such disobedience. The Major said, he would consent that Mr. Hastings should suffer, if his reasons for such disobedience did not bear him out. With respect to the fatal consequences to be expected from the increase of Indian wealth and influence in that House, and in the country, he would quickly remove the apprehensions of the House and the Public, by opposing a few simple facts to unmeaning and unfounded assertions. Much had been said of the influence of Mr. Hastings in that House and in the nation. He solemnly denied the fact, if it was meant to convey an insinuation of corrupt or improper influence; Mr. Hastings was as unconnected with the present as with the late Ministers. All he asked on the part of Mr. Hastings was justice, and he wanted neither favour nor protection from any man. Much also had been said of the influence of East Indians in general in that House. On a former occasion he had partly refuted a calumny of this kind, by the best possible mode, by an appeal to facts. He now held in his hand a paper which contained an exact list of all the civil servants of the Company, appointed to Bengal in the last twenty-two years, and
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hoped that, with the remarks, would be received as part of his speech. They were in number four hundred and eight—of these, thirty-seven only had returned to England. One hundred and fifty were dead, and three hundred and twenty-one now, he hoped, alive there. Every gentleman knew that Bengal was the place for acquiring fortunes; and if the House would peruse the whole of this paper calmly and coolly, they would be convinced that there was not the smallest foundation to apprehend those dreadful consequences which the right honourable gentleman dreaded, from the vast wealth and influence of Mr. Hastings, and other East-India gentlemen. He should beg the assistance of the honourable gentleman (Mr. Francis, who nodded assent) to refute the ridiculous stories that were propagated. He knew that they had not the smallest foundation in truth. The Major then produced a paper, of which the following is a copy :

A LIST

A LIST of the gentlemen appointed in the civil service of the East-India Company in Bengal, from 1762 to 1784, specifying the number that have returned to England, who died in the country, or are now resident there.

No. appointed.	Years.	Returned home.	In Bengal.	Died.
28	1762	7	4	17
14	1763	5	5	4
16	1764	3	6	7
34	1765	5	8	21
20	1766	3	5	12
3	1767	1	—	2
35	1768	5	16	14
48	1769	4	22	22
24	1770	—	14	10
33	1771	3	17	13
41	1772	—	26	15
16	1773-4	—	14	2
28	1775	—	24	4
5	1776	—	3	2
22	1777	—	20	2
24	1778	—	22	2
25	1779	1	23	1
26	1780	—	26	—
28	1781	—	28	—
1	1782	—	1	—
35	1783	—	35	—
508		37	321	150

NAMES

NAMES of the Gentlemen who have been appointed to Bengal in the two-and-twenty years, and have returned to England.

John Bathoe	Robert Colville
Isaac Sage	William Bensley
Alexander Higginson	John Shakespear
B. G. Wright	Edward Parry
Edward Baber	L. Darell
Charles Goring	Richard Sumner
William Harwood	Frederick Stuart
Alexander Campbell	Charles Coxe
Evan Law	Edward Smith
Edward Golding	Richard Griffith
William Lushington	J. P. Auriol
C. W. B. Rouse	J. Fyde
G. Ducarrell	J. Baugh
W. B. Martin	C. Fleetwood
Thomas Hinchman	J. Cator
Gideon Johnstone	H. S. Chandler
Thomas Pattle	George Lucas
W. Thackray	Richard Tilghman
John Hogarth	

There is not a more mistaken idea, than that which has been so industriously circulated, and believed, of the rapid and enormous fortunes made by the Company's servants in Bengal. This list is warranted to be accurate, and it proves, that of 508 civil servants, appointed in the last twenty-two years, thirty-seven only have returned to this country, 150 are gone, from whence they never can return;

turn; and according to every probable circulation, not thirty-seven, of the 321 now in Bengal, will return in the next ten years, with fortunes acquired in India—of the thirty-seven who have returned, not a man has brought home an enormous fortune; many of them less than twenty thousand pounds; some of them not a shilling; nor has one fortune, to my knowledge, been rapidly acquired; and of the whole number, two only are members of the House.

The fortunes that have been acquired by military gentlemen, who have gone out, or been appointed cadets or officers in Bengal, in the last twenty-two years, are still more inconsiderable. In that time, above 1200 officers have been appointed in Bengal, but not thirty of the 1200 have returned with any fortunes at all; and two, Captain Watherston and myself, have the honour to sit in this House. Of this number I know only five who have brought home above twenty thousand pounds, and many have returned with less than five thousand pounds. About thirty officers since have returned, being disabled by wounds or ill health, and have now a very bare subsistence from Lord Clive's military fund.

That large fortunes have been acquired in Bengal, no man will doubt; but the time is long since passed. At the first revolution, in 1756, upon the English acquiring power in Bengal, and in consequence of the battle of Plassey, some very enormous fortunes were made.

Again, in the first acquisition of the Duannee, when the entire government of a great kingdom de-

volved upon a very few English gentlemen, rapid and enormous fortunes were made by two or three of them, nor was it possible it should be otherwise.

Our Commanders in Chief, too, in those days, General Smith and Sir Robert Barker, acquired very large fortunes from the power and influence they enjoyed, by being constantly at Allahabad with the King, or in the Vizier's country.

Again, by the treaty of 1775, with the present Vizier, the entire management of Oude fell (as Mr. Hastings foretold it would) into the hands of the resident at his Court. This was naturally the source of great influence, and great emolument to two English gentlemen, not yet returned to England.

It is a circumstance worthy of remark, that of all the civil servants, who have gone out in the last twelve years, that is, since Mr. Hastings became Governor, only one has returned, and that gentleman never profited six-pence by his appointment; for he quitted Bengal either before it arrived, or a very few months after, with an unblemished reputation. He returned with his relation, Mr. Francis.

It is equally worthy of remark, that not a single gentleman, who has been in the Governor General's family, civil or military, has returned to England, with any fortune, myself excepted; and I certainly did not acquire a fortune in Mr. Hastings's family: I brought with me, or left behind, about seven thousand pounds, being all that I acquired in sixteen years.

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If such is the state of the fortunes acquired by gentlemen appointed to Bengal, for the last two and twenty years, it will be found, upon investigation, that the fortunes acquired at Madras and Bombay, by gentlemen of the same standing, are still more inconsiderable. They are fewer in number; and I do not suppose, that thirty gentlemen, who went out in or since 1762, have returned to England from both Presidencies. This, however, is capable of proof; but as Bengal has been called the garden of Eden, I confine myself to that spot. Enormous as were the fortunes acquired in Bengal at the battle of Plassey, by which an empire was conquered for Great Britain, and at our acquisition of the Duannee, they did not amount to so much as was acquired by individuals here, by one of the noble Lord's loans, during the late calamitous and unfortunate war. I shall be truly happy, if it should be my good fortune, by preserving that sacred regard to truth, from which I have never yet deviated, to remove from the minds of the Public, those prejudices which have been instilled into them, by the bold assertions of men who have said and unsaid, just as it answered their political purposes, and who, when they were in the plenitude of power never dared to do what they ought to have done, if they really thought Mr. Hastings a delinquent, that is, to have brought in a bill for his removal upon some one specific charge. Instead of this, what is it they did? Their leader accused him of a crime, for which, if he had been guilty, his life would have been too poor a sacrifice; he then

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declared,

declared, he meant nothing personal against him; and in the end, this Mr. Hastings, this notorious delinquent, was offered a full and free pardon for all his offences, provided his friends would tacitly submit to see the Company, his benefactors and preservers, deprived of their rights, and plundered of their property.

The House again called for the question.

Mr. *Dempster* entreated their patience for the hundredth part of a minute; he said he would state his objections to the principle of the bill, but without arguing upon them — The negative of the Crown upon the Company's appointment — Mr. Pitt said in a low voice across the House, "I will give up that." — The appointment of the three Commanders in Chief — "I will give that up also." — Very well, said Mr. Dempster; if you give up the next point to which I object, I will vote for the bill: I will never consent that the Court of Proprietors shall be deprived of their franchises: — I think the loss of our own freedom would soon follow — Mr. Pitt gave an unfavourable "*not.*" — Mr. Dempster said, then he would oppose the bill — He objected to the selection of judges out of the House of Commons; they had already a legislative and a superintending and controlling power, but they had not a judicial capacity; and he for one would not be forced to be a judge — [*a loud laugh*] He begged leave then to suggest to the House what he had often thought would be the best thing that could be done with the territorial possessions — He knew the House
would

would not listen to a proposition for restoring them to the natives; probably they would not govern them better than we do; he would not abandon the large body of our fellow subjects, who are actually in India, earning their bread, he might truly say, with the sweat of their brow; but he would propose, that His Majesty should be requested to send over one of his sons, and make him King of that country: we might then make an alliance or foederal union with him, and then we could enjoy all the advantage that can be derived from the possession of the East Indies, by Europeans — the benefit of commerce. The House did not at all relish this proposition which Mr. Dempster did not press any farther upon them. The question being called for, a division took place at last, at midnight, when there appeared,

For the Speaker's leaving the chair, - - 276

Against it, - - - - - 61

Majority of course for the bill, - - - 215

The Speaker then left the chair, and the House went into a Committee, Lord Mahon in the chair.

Mr. Chancellor *Pitt* expressed the satisfaction which he felt from the concurrence of the House in having thus forwarded the bill for the regulation of India; the decided support with which so respectable a majority honoured the measure, encouraged him to hope for their farther acquiescence in making a progress even at this late hour (between twelve and one o'clock) he had been assured, that no opposition was intended to the commitment of the bill, yet

yet a very considerable one was made to it, therefore he felt himself under the necessity of intreating the patience of the House, to pursue the intention with which the bill was this day to be laid before them, though at so very late an hour. The advanced time of the session, which had not been an idle one, urged, that procrastination should be avoided, and that the business should be entered on accordingly as it was intended for this day; and as the bill in its general principle, came so well recommended by the authority which it brought from the House, he trusted that the minute and component parts would not be objects of any opposition which might unnecessarily delay the House; he therefore moved, that the bill be read paragraph by paragraph.

Mr. Fox thought the right honourable gentleman's opinion, in concluding, that the more *minute* (as he was pleased to say) parts of the bill might pass of course, because the general principle had been carried, was rather singular, when the cause of that opposition which was made to the bill's commitment, was those very clauses which the right honourable gentleman now stiled *minute*; one clause established Commissioners for the government of India; another erected a tribunal for the punishment of delinquents, and were these *minute*? To that gentleman they might seem so, but their importance required a mature discussion, and at so late an hour he thought entering upon so weighty a subject rather precipitating the matter; he therefore urged the putting off the farther consideration of it for the present. He

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also argued, that it was in general understood, that the concurrence of the East-India Company was had to this bill; this he had reason to believe was not the case; he had, from authority, many reasons for saying, that the Proprietors' consent was not with many parts of the bill — he wished the Minister would be explicit; that he would stand forth, and avow how far he was supported by the opinion of the Company. He himself (Mr. Fox) admitted questions must arise, which would make control indispensable; and that *that* control, which might meet the full approbation of the Company, would be an ineffectual remedy for the complaints to be removed; for whilst their own will was consulted, all the mischiefs arose that were now complained of; but he would have it understood, that the control going to be established, went farther than the consent of the Company attended it.

Mr. Chancellor *Pitt* replied, that there was no farther consent required now, than there was in the last session, when the same matter was before the House then: to the general principle of the bill there was no dissent at that time or now; and though there was a dissolution of Parliament since, yet there was no dissolution of the Company or Proprietors to render new sentiments on the occasion necessary to be resorted to at present. There was not any question now which involved the annihilation and confiscation of right and property. Justice, as far as expediency would permit, was consulted on the present occasion; and yet such was the conduct intended to be

be pursued, that every indulgence was made to those who were to be the objects of the bill, or who would be concerned in its operation.

Mr. *Powis* declared himself unwilling to enter into a business of that importance at so late an hour. He said, that though he voted for the commitment of the bill, yet his sentiments bid him act very different on some of its clauses, which he did not approve of.

Mr. *Martin's* sentiments were similar. He requested, that as the Chancellor of the Exchequer shewed so much concern for the constitution in politics, that he would shew a little also for that of the members, and not press a matter of that weight at so advanced an hour.

Mr. *Sheridan* mentioned, that so far from the consent of the Company actually being with the right honourable gentleman in his present measure, that he thought himself authorised to ask, if he had not even had the dissent of the Company signified to him? And if they had not a meeting postponed to Tuesday from yesterday, to take into consideration several objections which they expressed to have to the present bill?

Mr. *Smith*, Chairman of the East-India Company, replied, that the Court which was held yesterday upon the business had adjourned to Tuesday, as they then expected to have the blanks filled up, before which time they could not give an opinion; they agreed, he said, in one principle, that they were satisfied to resign part of their political control as a

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consideration for the advantages which they required from Government.

Mr. Alderman *Newnham* said, he had heard it mentioned at the Court of Directors, that the present bill was ten times worse than the former, (Mr. Fox's.) This was signified, he said, by a very general concurrence of the Proprietors present yesterday. As to the comparative merits of either, he did not take upon him to judge; but such were the opinions that prevailed, to his knowledge.

Mr. *Atkinson* said, that a very learned gentleman had made a long speech on the business; but he, who was present, did not find above one or two besides very particular on that point, as they intended to rest their decision on the result of Tuesday.

Mr. *Hussey* requested that the blanks in the bills might be filled up this night, *sub silentio*, and be re-committed on the day, when gentlemen might turn their full attention to them. This he recommended as a matter to which all sides of the House might agree, as it now seemed to be the only point which divided them.

Mr. Chancellor *Pitt* said, he did not wish to procrastinate the business; this day he would have applied, as he intended to forward the bill; it would be doing nothing to proceed in that manner, as the right honourable gentleman opposite to him (Mr. Fox) had declared his opinion contrary to some of these, he, and those gentlemen with whom alone he consulted, entertained; he would not, therefore,

wish to be deprived of the benefit of such information as the Committee would give.

The House then proceeded on the business; and when the Chairman came to that clause which states the number of Commissioners to be six, two of whom were to be the Chancellor of the Exchequer for the time being, and the Secretary of State for the home department, besides four others to be of his Majesty's Privy Council, and three to be a quorum,

Mr. Fox desired to be informed, if orders issued by these Commissioners were to be signed by those of the commission who were of the Cabinet. The necessity, he said, arose for pointing out the two officers above mentioned, as they must be of the Cabinet; and hardships might arise where these Commissioners, who were not of the Cabinet, might authorise measures for the conduct of the Company's servants, which would, perhaps, militate against the views of the Government in this country, and of which they might be ignorant. He, therefore, thought that the nation ought to have them responsible, and not nominal officers, to whom they might look, as to all other officers in his Majesty's executive government: but if the avocations of these places might render the interference of the gentlemen who filled them so as not to be responsible, by putting their signatures to the orders issued, that there ought to be a president, chairman, or some such officer among the Commissioners, to be the ostensible and responsible character to the Public for what was to be done by that Board,

Board, and that that person should be a Cabinet Minister, so as to prevent the measures of Government and the Company from jarring.

Mr. *Eden* supported the observations of his friend, and said, this House would find it an awkward hardship, in case of mismanagement and misconduct, not to know who to ask, or from whom to demand such information, as they had continually a right to.

Mr. *Sheridan* said, as there were no specific characters to be pointed out for the commission, the two officers mentioned ought to be responsible for their signatures; and requested, that a measure of such importance might be deferred to a more proper hour and a fuller House.

Mr. Chancellor *Pitt* replied, that the officers of state mentioned were to be responsible, and not nominal commissioners; and that due care should always be taken for the instruction of the Board, as far as what might relate to, or interfere with, the Government of this country; and he was not of opinion, that it would be necessary for these officers to sign every dispatch, as the business could be well managed by the remaining members of the commission, unless in matters of importance.

Mr. *Fox* argued, that a cabinet Minister only was competent to judge of what was important in that line; and this declaration induced him to be of opinion, that the two officers of state must be necessarily, from the weight of their own business, sometimes nominal.

Mr. Chancellor *Pitt* replied; and the House divided on the question, when the numbers were,

For the bill to stand as it was,	- - -	92
For Mr. Fox's motion, " to defer the consideration of the clause,"	- - -	7
Majority for the Minister	- - -	85

When the Committee came to the clause that empowers the Board of Control and Superintendence to originate orders,

Mr. Chancellor *Pitt* moved, by way of amendment, to modify the clause, by leaving out the words conveying a positive power to originate orders at will, and to insert words authorising the Board to originate orders, in case the Court of Directors neglect to transmit dispatches to the Board after fourteen days notice, upon any one subject, which the Board may think necessary to take up.

This amendment was carried.

Mr. *Atkinson* said, he rose to return the right honourable gentleman his thanks for the alteration he proposed, as it in fact removed the principal objection to the bill.

Major *Scott* said, that he should be unpardonable, indeed, if, after having kept his word with the House as to three minutes, he should now, that the morning was advanced, intrude in the Committee for more than a single minute. He merely rose to return his thanks to the right honourable gentleman, and to tell him, that he had attended a Committee appointed to watch over the rights of the Company on

Tuesday

Tuesday last : that he then held in his hand a copy of the bill which he brought with him from that Committee, and the alteration now proposed precisely met the ideas of the gentlemen who had attended on that day, as would appear from the mark on the margin, which he had made in conformity to their sentiments and his own. He could assure the right honourable gentleman, that that Committee was composed of very respectable and very industrious men ; and that they had done good service to the East-India Company, and to the nation too, during the last winter, by their honest and indefatigable attempts to open the eyes of the People of England, and to convince them of the evil tendency of the bill brought in last year.

The Committee having thus proceeded through that part of the bill which applied to the domestic regulation of India, reported progress, and asked leave to resume itself on Monday, to which day the House adjourned.

July 19.

The order of the day having been read for the House to resolve itself into a Committee, in order to proceed in filling up the blanks, and amending the clauses of the East-India Bill,

Mr. *Sheridan* rose and observed, that when the right honourable gentleman had opened the subject of his present bill, though he had stated it as his intention to combine the three objects of it together,
and

and put them all in one bill ; yet he had not signified any determination tenaciously to adhere to that purpose, but had given the House to understand, that if it should be the wish of any number of gentlemen to have them separated, that he should have no objection. Mr. Sheridan declared, that the part of the bill that went to the institution of a new judicature, was of so much importance, that he could not but wish extremely that it was separated and put into a distinct bill. He reminded Mr. Pitt, that he had himself stated his ideas upon that part of the bill as by no means settled and confirmed in his own mind, but had rather thrown them out as hints of what he thought might be done, and had called upon gentlemen in a very candid way for their sentiments, in order that by their assistance the institution of a new tribunal might be so modified and guarded, as to leave little room for objection. Mr. Sheridan said, emboldened by these sentiments of the right honourable gentleman, he now rose with the hopes of persuading the right honourable gentleman to divide his bill into two at least, by which means that which related to the institution of the new judicature might come fairly under consideration, and receive that distinct degree of discussion which the very great importance of it, and the serious effect it would have on the criminal jurisdiction of this country, well entitled it to. As no delay would be occasioned by this division of the bill, and as every possible purpose the right honourable gentleman could propose to himself from going on with the whole

whole of it as one bill, would be effectually answered, he trusted there could be no objection to such a proposition, and therefore he moved, "That it be an instruction to the Committee, that the bill be divided into two bills."

Mr. Chancellor *Pitt* said, if he was sure that a motion like the present came from an honourable gentleman desirous of lending his assistance to enable both bills to survive the operation proposed, he in that case should the more readily give it his assent. He feared, however, that was not the fact. He admitted that it was very true, on the day of his opening the bill, that he had not declared himself particularly tenacious of the ideas he had suggested on the subject of the new tribunal to be instituted for the trial of delinquents in India, after their return home; nor had he expressed any very determined resolution to comprehend it under the present bill, but the more he had thought upon it, and the more he had heard upon the subject in general, the more he was convinced it ought to be comprehended in the same bill, that contained the provisions for the institution of a Board of Control and Superintendence at home, and for the regulations of the Government in India. The new Judicature was a necessary part of the whole system, and without it, he was persuaded, the two other parts would appear extremely imperfect and defective. As far, therefore, as regarded his own opinion, he was rather inclined to keep the bill as it was, and let all its objects be seen at once; but if he could be assured, that no delay would

would be occasioned by acceding to the proposition now made, and that there was not in the present proposition a latent intention to attempt to postpone the passing of the part relative to the institution of a new tribunal for this session; he did not know but his desire to meet the wishes of the other side of the House, and to obtain the concurrence of gentlemen, who were not much in the habit of thinking with him, might induce him to give way. He hoped that gentlemen would recollect, however, that the bill, as it stood, had been read twice, and after a debate of considerable length, several of its clauses had gone through the Committee; he feared, therefore, if the present proposition were given way to, the tribunal bill would have to pass through the stages over again that it had already travelled.—[*Mr. Sheridan said across the House*, “O no! not an hour will be lost; “both bills may be reported separately, when the “Committee makes its report, and then go together “to the third reading.”]—Mr. Chancellor Pitt said, if the case were so, and that could be done according to the order of the House, much of his objection would undoubtedly be removed. He hoped, however, if he did consent to divide the bill, it was to be understood, that the other side of the House meant to act fairly, and that they should not again hear of such things as a sudden change of a declared opinion, and after a promise not to oppose a bill till it got into the Committee, be surprised with a motion against the Speaker’s leaving the chair. •

The *Speaker* informed the right honourable gentleman, that the form of the proceeding was, if an instruction similar to that moved were to pass, separate reports of the separate parts would be made by the Chairman of the Committee; two bills would then be engrossed, and proceed to the third reading, without either of them going back to any former stage.

Mr. *Jolliffe* rose to return the right honourable gentleman thanks for having condescended, as far as he had signified his willingness to do. Mr. Jolliffe declared, the proposed tribunal he never could give his consent to as it stood at present, and therefore he wished it to be separated from the rest of the bill, in the two former parts of which there were many things that he approved. He said, he had not voted against the bill's going to a Committee, because, as he liked several of the regulations in the two first parts of it, he was of opinion, that if it passed into a law, it might be attended with good consequences. Mr. Jolliffe declared, he was so old fashioned as to differ from the generality of that House greatly about the influence of the Crown. He neither thought it had increased too much, nor that it was increasing more than it ought to do. On the contrary, he held the opinion then that he had uniformly maintained and avowed, that if the influence of the Crown was increased, he should not be displeased; it appeared to him to be as necessary for the preservation of the constitution, as the growing health and vigour of any one of its essential parts. If, therefore, the

present bill had gone a little farther than it had done, and had given more than it did to the Crown, the higher would his approbation of it have been raised.

Mr. *Eden* said, although he had a few days since unsuccessfully made an humble request to the right honourable gentleman to consent to the very same proposition that he had now been pleased to agree to, he rose to return his sincere thanks to the right honourable gentleman for having on the present occasion done what he was convinced ought to be done. Mr. *Eden* observed, that dividing the bill into two, so far from proving any disadvantage to the right honourable gentleman's plan, or in the least tending to delay or retard his progress through that House, would, in his mind, considerably conduce to its acceleration. The clauses that had already passed the Committee had been so violently altered, and the bill so much cut, maimed and mangled, that it would be absolutely necessary to recommit the whole. The dividing the bill, therefore, would obviate the recommitment of the latter part, that respecting the institution of a new tribunal, if due care was taken in filling up the blanks of the clauses in the Committee.

Mr. Chancellor *Pitt* said, the honourable gentleman, who spoke last, had given him credit for a greater share of condescension than he had shewn, and had argued, as if he had actually consented to the motion, whereas, all he had said was, that probably he might accede to it if he was sure it would neither delay the progress of all the objects of the bill, nor operate so as to cause them to be not so well attained that

that way as the other. This willingness to give way he had been induced to signify from a desire to oblige the gentlemen on the other side if he possibly could ; but though he thought it a matter extremely desirable to comply with their wishes, whenever he could do so consistently, he trusted they would not imagine he was too cold in his feeling towards them, if he declared, that to oblige them he did not think himself warranted to disoblige those on the side on which he stood. Since he had last spoken, he had learned from those around him, that they were extremely averse from acceding to the proposition of dividing the bill into two ; he must, therefore, beg the other side to excuse him, if he retracted what he had before said, and declared he could not go the length he had in some sort given gentlemen to expect he might be induced to go. Upon maturer consideration it did not appear to him, that if the bill were divided, the objects of it might be detrimented. The bill certainly contained three objects, but they were all relative objects, and immediately connected with one another. When they sent it to the other House, they would send it thither as the system for the future government of India, which they gave as a system that was in their judgement best adapted to the purpose. To present it piecemeal, and to send it up to the Lords bill by bill, one bill after another, would not be to give their own ideas fair play. He therefore must be excused, if he refused his assent to the motion. At the same time, he assured the gentlemen on the other side, he had no intention to hurry the whole of

the bill through the Committee, or to make more speed with it, than the actual dispatch the advanced state of the session called for. He would consent to making the clauses relative to the new tribunal, the subject of a separate day's consideration, and that he conceived would fully answer the purpose aimed at in the present motion.

Mr. *Sheridan* wished the right honourable gentleman had adhered to his former concession, though he acknowledged he was so seldom guilty of conceding to that side of the House, that he had feared his condescension would not continue till the question was put. With regard to what the right honourable gentleman had said relative to the Lords, he thought the right honourable gentleman paid the understanding of their Lordships a bad compliment, and relied less upon a House so full of his friends, if he was afraid of their not either comprehending the bill, if it went up in parts, or receiving it cordially, let it go up in any shape the right honourable gentleman might choose to give it. As to the subject matters of the bill going to one object, undoubtedly they did so; but they were to all intents and purposes three distinct bills; and as not an hour would have been lost by the separation, he still hoped the right honourable gentleman would reconsider what might be termed his reconsideration, and re-concede what he had just retracted. Had the right honourable gentleman remained firm to his concession, it would be fair to say they would have gained a point, because he was persuaded many who approved of the former parts of the right honourable gentleman's

tleman's bill, did not approve of that relative to the new judicature ; in like manner, he made no scruple to acknowledge, that many who were most partial to the bill that had been brought in by his right honourable friend (who was not then present) before Christmas, had their doubts as to the plan that he had in contemplation, with regard to providing a system of jurisdiction applicable to the trial of the East-India delinquents. If the bill had been divided, all those who held, that there had existed no speculation in India, that it was the scene of purity and integrity, that no oppression had been practised, no tyranny exercised over the natives, that rapine was unknown in the different territories we had acquired, and the neighbouring Princes' domains, and that out of 500 persons who had gone to India, only thirty had returned to England, and all of them without any fortunes at all, must necessarily have voted against the Tribunal bill, because men entertaining and avowing such opinions, would surely never consent to subjecting their friends and principals, their relations and employers, to so severe, and, if their arguments were good, so unjust a tribunal. Mr. Sheridan said, if the right honourable gentleman however would not consent to divide his bill, he trusted that he would at least consent not to hurry that part of it that related to the new judicature, through the Committee, so as to suffer it to be rendered the business of the tail of a day, or the subject of debate at two or three o'clock in the morning.

Major

Major *Scott* said, that being so particularly called upon by the honourable gentleman, it was incumbent on him to say a few words; and he declared most solemnly, that that part of the bill which went to the establishment of a Court of Judicature, had his complete and entire approbation, and he would vote for it with the utmost pleasure. He believed in this he spoke the sentiments of every gentleman who had served his country in India; and he was sure such a judicature would be highly agreeable to every person now in India with whom he was connected. All he desired in behalf of himself and his friends was, to be freed from that mock mode of investigation established by a Select Committee of the House of Commons, which professedly made no charges, consequently an accused person could not defend himself; but whose Reports tended, and were intended, to blast the reputation of every man whose conduct came in inquiry before them. To illustrate this more fully, the Major begged the permission of the House to read the following extract from the Ninth Report of the Select Committee, p. 33 :

“ Your Committee conceive, that under the orders of the House, they are by no means obliged to make a complete state of all the evidence which may tend to criminate or exculpate any person whose transactions they may think it expedient to report : This, if not specially ordered, has not hitherto been, as they apprehend, the usage of any Committee of this House. It is not for your Committee, but for the discretion of the party to call for, and for the wisdom of the House to institute,

institute, such proceedings as may tend finally to condemn or acquit. The reports of your Committee are *no charges*, though they may possibly furnish matter for charge; and no representations or observations of theirs can either clear or convict on any proceeding which may hereafter be grounded on the facts which they produced to the House."

The Major said, that after reading this extract, he would take the liberty to appeal to the good sense, the candour and discernment of every gentleman in the House, who sat in the last Parliament, or who knew any thing of its proceedings, whether he had not good and sufficient reason to wish for any new institution which should free him from a Select Committee of the House of Commons. He was himself debarred the privilege of defence on the part of Mr. Hastings, because the Reports were *not charges*; yet when the honourable gentleman's right honourable friend brought in his plundering East-India bill, he and other gentlemen on the same side made a most unjust use of the Reports. They argued from them, as if every charge had been established by full and complete proof, and in the next sentence declared that the conduct of Mr. Hastings was no subject of consideration then; and what was the use made of these Reports without doors? But here the Major said he begged to digress a moment, in order to state truly what had been said; and truly too by a noble and learned Lord, in another place, who had been very much misrepresented. That noble Lord, when he said that the use which had been made of the Reports

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was disgraceful to the dignity, the honour, and the justice of this nation, (in which he perfectly agreed with him) was it not true that those infamous and scandalous libels [*Here there was a cry of Order ! order !*] The Major observed he was perfectly in order: when he talked of infamous and scandalous libels, he meant to allude to what the noble and learned Lord had alluded — not to the Reports printed by order of this House, but to two libels called the Ninth and Eleventh Reports of the Select Committee, being in fact two pamphlets printed by Mr. Debrett, and sent under a blank cover to the noble and learned Lord, and many other members of another House. It was to these infamous libels that the noble Lord said he would pay as much attention as he would to the history of Robison Crusoe; and surely this House will allow that the expression was strictly proper. As to the use that was made of those Reports out of doors, the House hardly need be informed, that while the India bill was in suspense, every newspaper in England was filled with extracts from them; and that during the late general election the *striking parts* were copied into the “Source of the Evil,” “Popular Topics,” “Vulgar Errors,” “The True State of the Question,” “The Reasoner,” and “The Freeholder,” and sent in stage-coaches, broad-wheeled waggons, and one-horse carts, to Yorkshire, and to every part of this kingdom, though totally useless as to the purpose intended; for the season of delusion was past.

Mr. *Vanfittart* said, he was not used to public speaking, but he could not help saying a few words. He declared,

clared, he had served the Company in several situations, some of them of considerable rank in India, during fifteen years, and he could not accuse himself of having ever been guilty of the smallest peculation: but he had much rather have a charge of that kind established against him, than of having ever committed oppression, tyranny, or injustice, on any of the natives. He knew a great many other gentlemen who had served in India at the same time, and he verily believed they might safely say as much. He declared his approbation of a judicature so constituted as that about to take place if the bill passed. He said, every man accused of peculation or bad conduct in India, if he had any feelings, must wish to be tried by a jury, composed of the most respectable order of men in this kingdom; for such, he understood, was the sort of jury before whom such trials were to be heard.

Mr. *Francis* said, his argument on Friday, respecting the new tribunal to be instituted under the authority of the bill in question, had not gone upon the consideration of whether persons accused in India would consent to be tried before such a judicature. If they were willing, he had no objection. His argument had been, that the House ought not to suffer such a judicature to be instituted in Great Britain; it was contrary to the free spirit of our laws, and directly repugnant to the genius of our constitution; as a friend, therefore, to the rights and privileges of Englishmen, he could not consent to it.

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Mr.

Mr. Chancellor *Pitt* seized this occasion to be sarcastic on Mr. Francis ; and ridiculed the contradiction between what he had just said about the rights and privileges of Englishmen, and his declaration of Friday, that he had not come into the House to represent the people of England, but of India.

Mr. *Dempster* rose to express his wishes, that the motion to divide the bill had met the concurrence of the right honourable gentleman. At any rate, time ought to be allowed to those on whom the bill would operate, to be heard in defence of their birthright. He should not wonder if petitions were presented, praying to be heard by counsel against the latter part of the bill. He had a relation in India, who, he was persuaded, would not consent to give up his birthright, and forego the undeniable claims of an Englishman. No man ought to be compelled to sacrifice what he was born to possess ; and therefore he hoped, from motives of natural justice, the right honourable gentleman would forego his purpose of adhering to the bill as it stood, and would consent to divide it.

Mr. *Jolliffe* said a few words to the same purport.

Mr. *W. Grenville* said, he thought his right honourable friend ought least of all to give way to the requisitions of those gentlemen who had voted against the bill's going to a Committee, and had declared, that they disapproved not only of its principles, but of all its parts.

Mr.

Mr. *Jolliffe* reminded the honourable gentleman, that he was not of that description, having voted for the bill's going to a Committee.

At length the question was put and negatived.

The question was then put on the Speaker's leaving the chair, and carried; upon which the Speaker left the chair, and Lord Mahon took his seat at the table.

Sir *James Erskine* desired to know on what day the Chancellor of the Exchequer meant to go into a Committee on the latter part of the bill, that respecting the institution of the new judicature.

Mr. Chancellor *Pitt* said, he hoped they should be able to go into that on Wednesday next, (to-morrow) and that they might complete the business of the Committee on the bill on that day.

The Honourable Lieutenant-colonel *Cathcart* said, — Mr. Chairman; When the general principle of this bill was under consideration I had several observations to offer, but I did not rise to speak on that day, being desirous not to interrupt a debate, in which the measure was ably attacked, and as ably defended, by those whose knowledge of the British Constitution, and whose researches concerning India, rendered competent judges of the effects it would produce, if adopted, both at home and abroad.

May I, Sir, in the present stage of the business, request the indulgence of the Committee, in suffering me to express my sentiments on those clauses which more immediately relate to the government of the armies in India.

I am induced to speak upon this topic, with due submission to many honourable and experienced members who are present, from the accidental circumstance of having lately served in that country.

Impressed as I am with the urgency of the necessity for an immediate reform in the government of the armies in the settlements of the East-India Company, I must repeat what I had the honour of stating to a former Committee, that experienced men have taught me to believe, that the basis of our military prosperity must be founded on the simplification of the service in the Indian army, by placing that corps wholly under the Crown, or totally under the Company.

If I understand what fell from the right honourable mover of this bill on a former day, he declared, that the idea of vesting the nomination of the Commanders in Chief in the Crown was dropped.

If that is the case, without in the least committing my ideas respecting which head the army in India ought to be under, I may safely say, that if the Company is to have the appointment of the Commanders in Chief, I think they ought to have the entire government of the troops which are employed under those commanders.

Unless, Sir, some such change of system takes place, it is hardly to be expected that our arms in the East will ever be successful, either in the case of our being again involved in a war with France, or of our having the misfortune to be in a state of hostility with any of the native Princes; for the same
cause

cause of disunion in the army continuing to exist, will, in all probability, produce farther bad consequences, perhaps, fatal effects.

It strikes me, that the bill under discussion, in several clauses, aims most wisely at a reduction of expence, by retrenching the emoluments of the servants of the state: but, Sir, it is to be hoped, that the new Board, or Court of Directors, in short, those who are to regulate these details, will temper their zeal for this species of reform with moderation; because neither civilians nor military men of respectable character will go out to India, or reside there, unless the disadvantages of loss of health and absence from their connections, are in some measure counterbalanced by a reasonable prospect of returning to Europe with a competency, at least, to pass their old age above penury, above the want of many little comforts, which, though not strictly speaking necessities of life, become such to those whose constitutions are debilitated by a long residence in hot climates.

Whilst I am on the subject of the salaries of those who serve their country in India, give me leave, Sir, to state to the Committee a curious and important fact, which exists under the regulations now in force. The British army, composed of his Majesty's, of Bengal, and of Madras troops, serving in the Carnatic, is a corps on the same duty, but, I am sorry to say, I know it well, whose component parts receive very different allowances.

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The Bengal detachment derive from their establishment a considerable increase of pay, because they are south of the river Kristna, as a gratuity to compensate for the increase of their expences whilst serving out of the provinces to which they immediately belong.

His Majesty's troops alledge, that their expences are as heavy as those which the Bengal gentlemen are obliged to incur; and that as to being on service out of the province to which they belong, they are four thousand leagues from Great Britain, the fountain of their establishment.

The Carnatic battalions must live upon the same footing with, do as much duty as, and run equal risks with, either of those divisions of the army which I have quoted; but they are told that they are quite at home, and have no sort of reason to complain.

On first consideration, it may appear trivial to have mentioned this point here, which, if the bill passes, will certainly come within the authority of the new Government; but the disagreeable consequences which have already followed from such unequal distribution of pay to different parts of a British army, all of which incur the same expences, share the same dangers, and fight in the same cause, have induced me to relate this circumstance in my place, hoping that on account of the expences which troops incur for conveyance of baggage, &c. that the new Board will take an opportunity of substituting a gratuity to be paid upon their leaving
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the provinces to which they belong, in lieu of the present mode of compensation.

I do not find any clause inserted for the regulation of the zebundys or revenue militia: if, Sir, that corps was subjected to military discipline, we should find it solid œconomy, because frequent false musters would be prevented; and, on emergencies, this militia, being placed behind works, would add considerably to the strength of our defences.

An honourable gentleman who sits near me (Mr. Francis) on a former day remarked, that he thought the clause respecting the seat in Council of the Provincial Commander in Chief, resident at Fort William, was either inaccurately or extraordinarily worded. I confess this observation concurred with my ideas, but I am sure the right honourable mover of the bill will not object to any alteration of words, which, without materially affecting its sense, may make the clause more distinct. I could wish that the idea of granting seats in Council to the Commanders in Chief, should be extended to the commanding officers in districts where there are Chiefs and Councils.

If they had also seats at these subordinate Boards, (as I had the honour of stating to a former Committee) it would be ascertained, that upon all military discussions, professional men would be consulted; and I think that the introduction of these military members could not distract the Councils, or be detrimental to the commercial or financial administration, because the great majority of Counsellors

sellors would still be commercial men; these observations lead me to apologize for an inaccuracy I was guilty of on a former day.

I stated, that by the present regulations of the East India Company, the Provincial Commanders in Chief at the several Presidencies, had a right to sit and vote, in Council, on military and political discussions.

There I was wrong: it is the Commander in Chief of all the forces over India, who is permitted, when deputed from Bengal to the other Presidencies, to have a seat thus restricted.

The resident Commanders in Chief have sometimes, at some of the Presidencies, sat in Councils; at other times been members on military and political points; and in other cases, as in the instance of Brigadier-general Stibbert, who was quoted by the honourable gentleman (Mr. Francis) have not been employed as Counsellors on any subjects.

But, Sir, I will press no more upon the constitution of these Councils; having stated my ideas, I will leave any alterations which ought to be made, to the candour and judgement of those who framed the bill.

I am not sufficiently used to examine acts of Parliament, to say positively, whether it is any where defined in this bill, that the Supreme Government have powers to depute a General on service to any of the other Presidencies, unrestricted by any second set of men, and not amenable for the outlines of his conduct to any tribunal, except the
Supreme

Supreme Council, whose plans he is not sent to execute.

On a former occasion, I had the honour of stating my reasons for thinking that such secondary interference, as now exists, is detrimental to the public service.

The same doubts lead me to ask, for information, whether, by any clause of this act, the Government General can vest, in any person or persons, a commission to negotiate treaties, &c. which they may wish to conclude with any of the native powers; and whether these persons may proceed directly to the Courts of such Indian Princes, without negotiating through the channels of Madras and Bombay, although even the war may have been more directed against the Presidencies than against the immediate Government of Bengal.

I beg it may be understood, that I am far from wishing to obstruct or protract business by the questions I have been asking. They regard matter of national importance, touch upon points which have been disputed, and, for ought I know, are now contested in India.

Before I sit down, Sir, I wish to narrate a piece of Indian intelligence which has come to my knowledge within these few days; it is a circumstance which peculiarly claims our attention before the bill goes out of the Committee: Major General Sir John Burgoyne is under arrest. The letter which states this as a fact, is from a person high in office, from so

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respectable a quarter, that there is no reason to doubt its authenticity.

: All the world knows, that the General who preceded Sir John Burgogne, and who commanded in chief both his Majesty's and the Company's forces, has been arrested, confined, and sent over to this country. This is no news; it is a subject which is not before the Committee, and which will probably be discussed elsewhere, therefore I shall not enter upon it. The recent instance is very alarming; I shall not branch out into the various misfortunes which might or may have happened in consequence of these violences.

I will confine myself to one: by an act of Parliament now in force for punishing mutiny, &c. in the armies of the East-India Company, the power of ordering courts martial is vested in the Commander in Chief of his Majesty's forces for the time being, not only for the trial of officers and soldiers in the service of his Majesty, but of those acting under the Company. Major General Sir John Burgoyne being arrested, has had it in his option either to deliver over to the officer next in command who is not under arrest, the official delegation of that act which has been transmitted to him from this country, or to have declined giving up that official paper. If the General has withheld this power for summoning courts martial, what dreadful convulsions may have ensued? I cannot guess the precise line of conduct which Sir John Burgoyne has adopted, but I have every reason to suppose he has acted with propriety.

propriety. If he has surrendered this official delegation to the officer next in rank to him in the service of his Majesty, differences of opinion may have arisen amongst the officers, whether, in the eye of the law, the General being under arrest, and not a free man, could deliver over this or any other power.

The validity of such doctrine I leave to the discussion of gentlemen learned in the law.

I have stated these ideas, in hopes of convincing the framers of this measure and the Committee, that some clause ought to be inserted to prevent, in future, any government in India, subordinate to the Supreme Council, from proceeding (whether right or wrong) to such extremities, unless on accusations of high treason or treachery.

How can any Administration count upon the enforcement of plans framed at home, and for the execution of which officers of rank have been deputed to India, if there exist several sets of men in that country who can confine these persons in whom Government has placed so much confidence?

Is not this disadvantage alone more than equivalent to any mischief which might probably arise from our restricting the power of arresting general officers in India to the authority of the Commander in Chief of all the forces, and to the Government General, unless in the two cases to which I have alluded?

I am afraid, Sir, that I trespassed upon your time; but I have not spoke lightly upon this subject.

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I wish, for his sake, for all our sakes, that a late worthy and respectable Commander in Chief of all our forces over India was now alive and in this House; I will venture to say he would not have controverted any of the topics I have insisted upon.

His memory is and ought to be dear to his country. It is revered by the superstitious natives of India; and, Sir, the East India Company have lately voted a statue to his, and, I think, to their honour.

I wish the Committee would, upon this day, add some tribute of deference to his experience, by adopting some of those principles I have urged, well knowing them to have been those of that able General.

I shall conclude by observing, that the seeds of discord are now no longer latent in the East; unless we profit of the present opportunity to root them out, they will, Sir, in a few years rise to a height, which, I fear, will overshadow the glory of this country.

Mr. Dundas replied, that many observations which the honourable gentleman's professional knowledge afforded him, and which he disclosed with candour, had recommended themselves to acceptance. Government had in view, by the present bill, to remove all the causes of jealousy, which must exist between two armies under different heads, and which being the case in India last war, was productive of great inconvenience and mischiefs; for this reason they have agreed, that all forces serving in the East-
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India territories, should be the Company's forces, and the appointment of a Commander in Chief should be left to the Company, which would render subordination as complete as the removal of jealousy could contribute to make an army.

Mr. Chancellor *Pitt* said, he felt himself much indebted to the honourable Colonel for the information he had thrown out ; and in regard to the idea of giving the commanding officer in the several Presidencies a voice in Councils, he thought it deserving of particular attention.

General *Burgoyne* rose to defend the conduct of his near and respectable relation, Sir John Burgoyne. The General declared, a report had gone abroad, that Sir John Burgoyne had refused to accept the command of the Company's troops. This, he said, was not the fact : Sir John had put himself at their head, as soon as he knew General Stuart, the former Commander in Chief, was under arrest, and a close prisoner. The General declared, his honourable relation's eminent services in India had been so fully acknowledged, that it was unnecessary for him to go into any mention of them.

Sir *James Erskine* put a question or two upon this to his learned friend, fearing that from such a plan, regular British officers might be rendered incapable of serving in India.

Colonel *Fitzpatrick* also expressed his fears that what the learned gentleman had said, would operate as a fatal blow to the service. The Colonel said, if he understood the learned gentleman correctly, it was

was meant to have only one description of troops in India, and those acting under the authority of the Civil Government. If so, he conceived the King's troops were not to be employed in India.

This was answered by Mr. Chancellor Pitt and Mr. Dundas; who both said, that was a consideration that did not belong to the question. The Commanders in Chief in India now were appointed by the Company, and yet they were King's officers.

When Lord *Maban* read the clause appointing the number of the Council at Bengal, in order to have the blanks filled up, Major *Scott* rose and said, I will freely confess, my Lord, that I came down to the Committee to-day, prepared to speak upon the clause now under consideration, because I conceive it to be of as much importance as any clause in the bill; and the good government of India, in my humble opinion, will in future depend upon the number which is to compose the Supreme Council.

My Lord, I do not mean to pass a panegyric upon any man, living or dead; but, in considering the present clause, as I shall have occasion to mention the respectable names of General Clavering and Colonel Monson, the Committee will pardon me, I hope, if I stop a moment to observe, that I ever viewed their characters with the utmost respect. I had not the honour to be personally known to Colonel Monson; and before I was known to General Clavering, he conferred a very great favour upon me, which I ever with gratitude acknowledged. He gave me a profitable and honourable staff appointment, at the request

request of my commanding officer, Colonel Upton; and when I went to Calcutta for ten days, at the distance of two years, the General received me with the politeness and attention which he shewed to every officer of the army. Of the integrity and honour both of General Clavering and Colonel Monson, I have ever had the highest opinion. With respect to the honourable gentleman, (Mr. Francis) as he is present himself, I shall only say, that he has already pronounced his own eulogium in the House, and will, I dare say, have no objection to pronounce it in the Committee.

Having said thus much, my Lord, I do now give it as my opinion, that the unhappy dissensions which so long prevailed in India, and were attended with so many ill consequences, resulted from the Supreme Council being composed of five, by the regulating act of 1773; and this, I trust, I shall prove as I proceed.

If the honourable gentleman had met with the preferment he so well deserved in England, and the Government of Bengal had consisted of Mr. Hastings, General Clavering, Colonel Monson, and Mr. Barwell, I believe it would have been one of the best Governments that could have been devised; or if the honourable gentleman had been joined with either General Clavering or Colonel Monson, I then believe it would have been a most admirable Government. But, the establishment being five, and three of the five going from this country, it was absolutely impossible, whether the noble Lord in the blue ribbon

band intended it or not, that the three gentlemen should not have acted as a party. It was foretold before they left England, and the first day of their arrival was a day of diffention.

I was doing duty in Fort William, and one of fifty thousand spectators who saw the honourable gentlemen land in Calcutta; and I well remember what was the immediate effect of their arrival.

In Bengal, as in all other places, there are many discontented and disappointed men; for the paper I had the honour to produce on Friday last proves, that rapid and enormous fortunes are not universally made in Bengal; and however an honourable gentleman (Mr. Sheridan) may treat that information, I do not believe he will dispute the truth of it, which is all I am anxious about.

The natural consequence of the new Administration, consisting of *three* and *two*, was, that every person of the description I have mentioned, applied to the *three*; and no man, I believe, will assert, that the strongest and the most unfortunate prejudices were not adopted by General Clavering and Colonel Monson as they proceeded up the Ganges to Calcutta. By law the Governor General was to have the casting vote; but of what use could this vote be of to him, except in case of accidents? The honourable gentleman plainly told Mr. Hastings, soon after he arrived, that he was merely *primus inter pares*; and this was bestowing a power in words, of which he did not enjoy the shadow. When the nominal Government of *five*, but the real Administration of *three*,

three, took place, we were actually at peace* in India. Order, regularity, and œconomy, were introduced into every department of the Government of Bengal. Our Treasury was filling; and whether the measures which had brought so much wealth into Bengal were objectionable or not, the responsibility rested with Mr. Hastings; for the new members were not answerable for the sale of Corah, the stoppage of the King's tribute after he had quitted our protection, and thrown himself into the arms of the Marattas, nor for the Rohilla war, which by the by was occasioned by measures adopted a year before Mr. Hastings arrived in Bengal, and was the consequence of their breach of a treaty, to which Sir Robert Barker, on the part of the English, was the guarantee.

If two gentlemen had gone from England, their language would have been, what in my opinion the language of the three ought to have been — We landed here on the 18th of October, 1774; from that day we are responsible for every measure which we sanction with our approbation†. We do not like

* The Rohilla peace was signed the 6th of October, and the new Government in Bengal was proclaimed the 18th of the same month.

† When the Court of Directors received the first intelligence of the Rohilla war, they sent the following letter to Bengal: — “Notwithstanding the pecuniary advantages which the Company have gained, we are exceedingly concerned to find that our arms have been employed in the conquest of the Rohillas; though we must con-

like the Rohilla war ; but it is fortunately concluded ; and it rests with the late Administration to explain their motives for entering into it, and to await the judgement of their superiors. But, my Lord, the Government of *three* began by a strict investigation of past measures. They censured the politics of Mr. Hastings ; they ridiculed his internal regulations, and they called his integrity in question.

It is necessary that I should assure the Committee, which I do with the utmost solemnity, that what I am going to read was not taken down in short hand, when the honourable gentleman spoke last in this House, nor have I copied it from a newspaper, nor have I transcribed it from the honourable gentleman's former speech, which has been so accurately printed by our mutual friend and publisher, Mr. Debrett ; but it is, my Lord, a copy of what the honourable gentleman wrote to the Court of Directors near ten years ago, and very soon after his arrival in Calcutta.

The honourable gentleman is, without doubt, one of the best writers of the present age ; I really think so, and always did think so : I am sure he will not deny that all those letters of appeal, which are signed by General Clavering, Colonel Monson, and the honourable gentleman, were written by the honourable gentleman himself ; but it was absolutely necessary

to set the conduct of their Chiefs, in refusing to fulfil their solemn stipulations with the Vizier, seems to have drawn upon them the calamities they have suffered." But when it was determined by the Minister to prosecute Mr. Hastings, the Rohilla war was again brought forward, in order to justify his removal.

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to explain this to the Committee, lest they should conceive I was reading an extract from his speech. The letters, from whence they are taken, are dated in November and December, 1774, and January, 1775, and the honourable gentleman arrived in October, 1774.

“ The world will soon see that it is oppression of the most violent and pernicious nature which has reduced this fertile country to a state of depopulation.

“ The true condition of this country cannot long be concealed; effects will be found, before they are accounted for: when that happens, we foresee no difficulty in determining by what means, and by whose misconduct, a rich and flourishing state is reduced to hazard, at least, of beggary and ruin. The great and alarming question will be, by whose future services, and by what future exertion of virtue and ability, such a state can be recovered: common men are not equal to the occasion.

“ But in what manner is it really our duty to act? Are we to suffer the Company to continue unacquainted with their situation, and let the storm gather till it bursts? or are we to take upon us the immediate odium of discovering to them the real difficulties in which their affairs are involved, and the imminent danger with which they are threatened. When the present Administration took the government upon them, almost every natural resource of the country was already exhausted.

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“ The distresses we allude to *are so instant*, that no artifice whatever, on one side, nor tacit acquiescence on the other, could possibly conceal them much longer from the public view.”

The honourable gentleman, I think, has called Mr. Hastings's letter of the 16th of December, a poetical fiction, or something like it. I am in the judgement of the Committee, whether what I have read to them may not aptly be termed prose run mad. I shall beg, however, to state to you, my Lord, from an accurate account, that dreadful as the description is, in less than two years from the period the letters were dated, a bonded debt of 120 lacks was paid. In four years there was an unappropriated balance of 177 lacks in the Treasury; from the 30th of April, 1778, to the 15th of August, 1783, as appears by an account before this House, above seven millions two hundred ninety thousand pounds were remitted to Madras and Bombay for the support of the war; and, added to this, an investment of one million sterling, prime cost, was sent to this country, each year, from the time the letters were written to 1781, a period of seven years. When the Committee consider what aids a beggared and ruined country has afforded, I hope it will be some consolation to reflect, that with better management it may be a most important object to Great Britain; and I hope the Committee will reflect, that as the honourable gentleman was most assuredly mistaken in 1774, when he foreboded *instant ruin*, it is possible our affairs may not be quite so desperate as he represented them

them on Friday last. I do not mean to detract from the great merit which belongs to the honourable gentleman and his colleagues; I acknowledge their zeal for the public good; but this I will say, that the Government was founded in regularity and œconomy by Mr. Hastings, before their arrival, and the influx of wealth into Bengal was the consequence of measures which they so pointedly condemned. I will not say that General Clavering and Colonel Monson left England with an intention of driving Mr. Hastings from Bengal—very far from it; but the honourable gentleman knows, that before they got to Calcutta they entertained a very unfavourable opinion of him; and that their measures tended either to force him to a resignation, or to insure his removal from home. To those measures we owe the noble Lord's interference, shameful interference, as some of those who now sit on the same side of the house with him called it in 1776; and to the same measures we owe that steady, honourable, and effectual support, which Mr. Hastings then received in Leadenhall Street, from all those respectable gentlemen who went under the name of the Rockingham party, possessing stock as Proprietors.

The Committee, I hope, will permit me to produce what operates upon my mind as a full proof of what I assert; that though the noble Lord did not send out General Clavering and his colleagues for the express purpose of thwarting Mr. Hastings, yet he certainly intended that *the three* should be the Government; and that as it has been said by the noble

Lord

Lord here, and by another noble and learned Lord elsewhere, it was thought necessary that two servants of the Company should be joined in the commission; can any gentleman doubt the fact? I put it to the honourable gentleman; he knows we all deemed them in Bengal to be the Government, and that it was intended from home they should be so. What the honourable gentleman thought, may, I think, be fairly concluded from his own words. After Colonel Upton had been deputed to Poonah, there was a difference of opinion in the Supreme Council relative to Bassein, whether we should insist upon retaining it or not. The honourable gentleman joined Mr. Hastings in opposition to General Clavering and Colonel Monson: at the next meeting the General delivered in a formal protest, and the honourable gentleman expressed himself as follows: — “ The system on which I have invariably acted has been hitherto honoured with the concurrence and approbation of General Clavering and Colonel Monson. The formal protest now made by General Clavering against a resolution of the Board, in which I concurred, cannot therefore fail to bring the consistency of my conduct into question both here and *at home*. I must, however, beg the indulgence of the Board to draw up a *defence of my conduct*, as I know no period of my future life in which the transaction that appears on the Records on Monday may not affect *my character*. I am unwilling to hurry the decision of a question in which I had the misfortune to differ from General Clavering and Colonel Monson.”

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The General and Colonel Monson grew warm; Mr. Hastings behaved with the utmost candour and moderation; the honourable gentleman begged the debate might stop; and the Board adjourned.

The next day all was settled, by the honourable gentleman adopting the sentiments of his colleagues, with whom, as he says, he had invariably acted.

Without meaning to impute any blame to the honourable gentleman, I will put it to himself and the Committee, whether he did shew that degree of independence which gentlemen generally preserve when they are *inter pares*? and in some cases the honourable gentleman was certainly *primus inter pares*. The conclusion I draw from the honourable gentleman's own words is, that the *three* came out as a party, and that he expressed, in very strong terms, an apprehension of personal ill consequences to himself at home, for acting in one instance according to the dictates of his own judgement, in opposition to the sentiments of General Clavering and Colonel Monson.

I am therefore, my Lord, from a full consideration of what has happened, of opinion, that the Governor General, whether Mr. Hastings, or any other person, being the first in station in India, and the executive officer of Government, should have some pre-eminence, and some superior privilege and responsibility, which only can be delegated by fixing the number of members at four, by which means, in case of difference of opinion, he may have weight from his casting voice.

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Lord *North* answered the Major, and defended himself. He said, that the honourable gentleman had made a severe attack upon the unfortunate number *five*, and had declared, that it had been the cause of all the calamities in India. It had split into parties, and the honourable gentleman had said it was impossible it could do otherwise. Be this as it might, he would defy the honourable gentleman to split five more easily or more evenly than he could split four; but it was plain what the honourable gentleman drove at, and what his aim was. It was neither more nor less than to say, that any Council, so constituted as not to be at the implicit command of Mr. *Hastings*, was such a Council as he could not approve of. His Lordship defended Mr. *Francis*, Sir John *Clavering*, and Colonel *Monson*. He said, the very first point those gentlemen differed with Mr. *Hastings* upon, they were as clearly in the right, and Mr. *Hastings* as clearly in the wrong, as any men could possibly be. The subject was the *Rohilla* war, in which Mr. *Hastings* had engaged, contrary to the orders of the Directors, and contrary to the interests of the Company.

Mr. *Francis* replied to Major *Scott*, and shewed, that Sir John *Clavering*, Colonel *Monson*, and he, had opposed Mr. *Hastings*, in direct conformity to the express orders of the Directors. He also stated, that their conduct in that opposition had been highly approved, both by the Court of Directors and the General Court of Proprietors, neither of which
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bodies of men, had on any occasion acted as their friends.

Mr. Chancellor *Pitt* moved, that the blanks before the words " Supreme Counsellors," should be filled up with the word *three*.

Mr. *Wellbore Ellis* objected to that number; he said the Parliament might as well at once make the Governor General absolute, as to put it in his power to make himself a majority; for if only *one* of the three Counsellors should join with him in any measure, he himself would make a majority by his casting voice; and therefore he was of opinion, that it would be much better either to increase the number of Counsellors to *four*, that so there might be a *real* and not a *filitious* majority, or else not to appoint any Counsellors at all, but leave to the Governor General an uncontrolled power, with undivided responsibility.

Mr. *Francis* supported the objection made by Mr. *Ellis*; he said, that in a Council, such as the right honourable Member proposed, there would be a preponderancy of opinion only, but not one of Members; and he did not apprehend that a Council ought to be so constituted, as to make the fate of a country depend on one man; but particularly it could not be good policy to give a man a Council to advise, and to control him if necessary, and yet put it in his power to evade all control.

Mr. *Vansittart* said, that when it was agreed that the Governor General of Bengal, should have 25,000*l.* a year to support his rank, while the Supreme Counsellors had only 10,000*l.* a year each, it was intended

that the former should have more authority than the latter; the Committee should fill up the blank in the clause as they should think proper; but if they should vote to appoint more than three Supreme Counsellors, he would move that the Governor General should have only 10,000*l.* a year in future; for if he was to be considered merely as one of the Council, without any superior authority, he ought not to receive a higher salary than any other Member or Counsellor.

Mr. Chancellor *Pitt* said, it was undoubtedly intended that the Governor General should have a greater share of power than any other Member of the Supreme Council; and this was his reason for so constituting the Council, as to give him a majority by his casting vote; the Committee, however, would judge how far it was adviseable to adopt his ideas on the subject.

Major *Grant* observed, that it was necessary that absolute power, to a certain degree, should be vested in the majority of the Council; if it consisted of *five* persons, the absolute power would be lodged in three of them; if it consisted of *four*, it would be lodged in two, one of whom, the Governor General, would, by his casting voice, give the majority: it was therefore a matter of little consequence, whether absolute power was lodged in two persons or in three; but it was a matter of some consequence, that the Governor General should have a superiority in Council. The blank was at last filled up agreeable to the Minister's motion, with the word *three*.

Mr.

Mr. *Dundas* then observed, that the latter part of the clause, agreeable to a clause in a former act, secured the second place in Council, next to the Governor General, for the Commander in Chief of the forces — in a former act it was provided, that if the Governor General should happen to be absent from his government, the Commander in Chief should not sit in Council as the first Member or Chairman, during his absence, but that in such case, the Member next the Commander in Chief should take the chair, the Commander in Chief sitting second: but the provision extended only to cases of the Governor's absence from his government; he meant to carry the provision farther, and to enact, that if the Governor General should, by indisposition or any other cause, be prevented from attending the Council, the third in seniority should take the chair, the same as if the Governor was absent from his government. But as he could not propose a clause for that purpose in the Committee, he said he would move it on the report.

The Chairman then read the next clause, relating to the Presidencies of Fort St. George and Bombay. The blank, as in the former clause, was filled up with the word *three*; but some difficulty was started relative to the Commander in Chief.

Mr. *Pitt* proposed, that whenever the Commander in Chief of Bengal should happen, when on service, to be at Madras or Bombay, he should have a seat and voice at the Council of Madras or Bombay,

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instead of the Commander in Chief of these two settlements.

Marjor *Grant* and Mr. *Vanfittart* agreed, that it was very proper the Commander in Chief of India should sit at the Council Board, either of Madras or Bombay, when he should happen to serve in those districts; which, however, they were of opinion, would happen very rarely; but at the same time they felt for the honour of the Commander in Chief of those districts, who, by this proposition, would find himself degraded and banished from the Council Board, while the superior officer should be present; they therefore wished that both Commanders might be permitted retain their seats in the Council.

Mr. Chancellor *Pitt* did not think proper to comply with their wish; he was of opinion, that the officer who was to have the supreme command, should be the only military officer who should vote in affairs relative to war.

Sir *Richard Sutton* proposed a middle way, by which the right honourable gentleman's proposition might be adopted, and the honour of the Madras and Bombay commanders be at the same time considered: he proposed, then, that whenever the Commander in Chief of Bengal should happen to be on service at Madras or Bombay, he should have a *seat* and *voice* in the Council of those settlements; but that their respective Commanders should not be excluded from the Councils; that they should still continue to have seats at the Board, but not *voices*.

Mr.

Mr. Chancellor *Pitt* approved of the honourable Baronet's expedient, which was accordingly adopted.

The next clause was for the ordering the Court of Directors to appoint proper persons to be Governor and Council for Madras; and others for Bombay.

Lord *North* wondered that entire *new* Councils should be appointed for these two Presidencies, while the Council of Bengal was to remain in *statu quo*.

Mr. Chancellor *Pitt* said, that though the Supreme Council of Bengal had been limited to a small number, the Counsellors of Madras were much more numerous, as were those of Bombay; now it was proper that they should not continue more numerous than the Supreme Council to which they were to be subordinate; it was not, however, intended to appoint Council *entirely new* for both these Presidencies; the number, however, should be reduced, and the names of some of the present Members, or of other persons might be put into the new appointment.

The clause vesting the nomination of the several Commanders in Chief of Fort William, Fort St. George, and Bombay, in his Majesty, was expunged on the motion of Mr. Pitt, who said, he intended to leave these several appointments in the hands of the Company.

The Chairman then read the following clause:
 " That no order or resolution, or any General Court of Proprietors of the said United Company, shall be
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available to revoke or rescind, or in any respect to affect any act, order, resolution, matter or proceeding, of the said Court of Directors, by this act authorised, to be made or done by the said Court, after His Majesty's pleasure shall have been signified from the same."

Mr. *Dempster* said, he never would give his consent that any such clause as this should pass. By this clause, the Court of Proprietors would be annihilated; and he never would consent to the annihilation of a Court, which, in his opinion, had more than once served this country; and he ventured to say, that it was not possible to name *one* instance out of *twenty*, in which the Court of Proprietors had been in the wrong in its decisions. He would not enter into the legal discussion of "the question," whether a *majority* of a corporation could surrender up the rights which every individual held under a charter; but he would contend, that a power was going to be taken from a body of men, who had never yet abused it.

Mr. *Dundas* insisted, that nothing was taken from the Court of Proprietors which ought to be left with them; the determination of great political questions relating to war and peace, was indeed to be taken from them, but that was all; the appointment of their servants, even of Commander in Chief, was still to be in their own hands; and they would still have a right and power to recall their servants at their pleasure; they would only be restrained from preventing the return of any servant whom the Court of Directors
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and the new Board should think proper to recal. In all other respects, the powers of the Court of Proprietors would be the same, after the passing of the bill, that they are now; their commercial concerns would be still in their own hands.

Mr. *Francis* said, that if the whole power of the Court of Proprietors was to be taken away, he would vote for the clause; if not, he would oppose it. For his part, he conceived, that the clause would most completely annihilate the power both of the Court of Proprietors and the Court of Directors.

Major *Scott* declared, he would sooner cut his hand off, or his tongue out, than he would consent to a clause that should take any power from the Court of Proprietors, if they themselves had not consented to it. But the clause took very little from them, and that with their own consent: even at this moment, if the Court of Directors, having agreed upon a particular measure, should consult His Majesty's Ministers upon it, and obtain their approbation, the Court of Proprietors must be precluded by the act of the Directors, and the subsequent approbation of the Crown; it was only before the Royal approbation was given to the measures of the Court of Directors, that the Proprietors could interfere; and then they could prevent the Directors from referring the matter to the King's Ministers.

Mr. *Boughton Rouse* said, the Proprietors having repeatedly abused their power, they ought to forfeit it entirely.

Mr.

Mr. *Samuel Smith* defended the Court of Proprietors; he agreed with Major Scott, that if the Court of Proprietors interfered before the Directors should have got their measures approved by the Crown, they could annul those measures; but the measures being once approved, the Proprietors were precluded from any interference. Thus, had the Directors, when they resolved to recal Mr. Hastings, applied to the Secretary of State for his approbation, the Court of Proprietors could not have prevented the recal. The clause before the Committee would leave the Court of Proprietors in a very little worse situation than they are at present; and as to what was to be taken from them, he, for one, would never consent to it, if he did not know that the Court of Proprietors had already signified their consent.

The question was at last put upon the clause, which was carried without a division.

The clause by which the Presidencies of Madras and Bombay are made dependent upon Bengal, was passed with an amendment proposed by Mr. Pitt; "that whenever orders were sent out for these Presidencies, which passed through the hands of the Governor General, the Supreme Council should put their construction upon these orders, and direct these Presidencies to obey them, which they should be bound to do, except they should have received orders to the contrary from home, of which the Supreme Council were ignorant when they put their construction on the dispatches."

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The last clause read by the Committee, was that which enjoins a pacific system to the Governors abroad.

Major *Grant* thought it would be difficult to lay down precise rules for men who were to act at the distance of 12,000 miles; for his part, without considering minutely in what wars the Company ought to engage, and in what not, he would content himself with saying, that if a system of œconomy was pursued abroad, and great attention paid to military discipline, we might bid defiance to all India.

Mr. *Dempster* did not think Parliament ought to go any farther than to recommend a system of peace; for occasions might arise, in which it would be necessary for the Governors abroad to go to war without waiting for orders from home. The powers in India were almost as well balanced as in Europe; and the English Governors could not stand by, and see their weaker neighbours fall a prey to more powerful neighbours; they ought not to suffer the Marratas to ruin the Nizam, or even Tippoo Saib. A war in defence of these Princes might in fact be a war for our own preservation. It would be enough then to lay down general rules for pacific measures, and leave the rest to the prudence and discretion of our servants abroad.

Mr. Chancellor *Pitt* thought also, that it might not be very prudent to tie up the hands of the Governors abroad too tight.

Mr. *Wraxall* observed, that however beautiful in theory such recommendations might be, and how-

ever deserving admiration, as speculative tenets of policy, he yet conceived that they were much too general and indefinite to apply to local circumstances and emergencies; that it sufficed to look upon the map of India, to see the prodigious extent of country to be protected and defended; and that we were as much bound by necessity to defend the frontiers of the Carnatic and of Oude, as to protect any of our most immediate settlements. Mr. Wraxall added, that unquestionably, from the ruined and exhausted state of our finances in India, as well as from the attaint which the good faith of the English nation had suffered from some transactions of past years, it was highly expedient to endeavour to preserve peace; but that it was nugatory to attempt to do more than recommend such a system, as the conduct to be held in peculiar situations must be left to the judgement of Government on the spot.

The clause was agreed to.

Mr. *Wraxall* desired to be informed by Administration, whether it was their intention to leave the nomination of Ministers at all the great courts of India with the Supreme Council of Bengal, or whether they were to be with the inferior Presidencies of Madras and Bombay? Mr. Wraxall said, that it appeared to him to be a matter of the highest consequence to the welfare of the English nation at large, to settle this point, and to leave those nominations exclusively and absolutely to the Supreme Government at Calcutta. He said, that it must be apparent to Ministry, and to the Committee, of what importance

tance it was above all, to leave the three great nominations of Envoys to Seringapatam, Poonah, and Hyderabad, in the hands of the Government General ; and he instanced, by calling the recollection of gentlemen conversant in East-India affairs, to the quarrel which took place some years ago between the Presidency of Madras and the Bengal Government, respecting Mr. Holland, who was Minister at Hyderabad, the court of the Nizam. The Presidency of Madras absolutely refused to permit of that gentleman's stay, although it was pressingly and urgently requested on the part of Mr. Hastings and the Supreme Council.

Mr. *Dundas* informed the honourable gentleman, in answer, that though it might not be necessary or eligible to make express provision respecting the right of nominating Ministers to the courts of Hindostan, yet, that he was fully of opinion it must reside in the Government of Bengal, if not to appoint, at least to superintend all such appointments.

The Committee then stopped for the night.

July 20.

The House having gone into the Committee on the India bill, Mr. *Adam* rose, and observed, that from the numerous and material alterations the bill had undergone in the Committee, and the many more it was yet likely to undergo, its face would be so much changed, that it would come out of the Committee a bill totally different from that which

went to the Committee; he hoped, therefore, when it had passed the Committee, the right honourable gentleman would permit it to be read *pro forma*, print it with the amendments and alterations, and then suffer it to be recommitted, for the purpose of a fair discussion of it in the form it would by that time have assumed.

Mr. Chancellor *Pitt* said, he could have no objection to the honourable gentleman's proposition, because, if he was not greatly mistaken, he had already on a former day intimated his intention to do what the honourable gentleman had suggested.

The House having resolved itself into a Committee, Mr. *Dundas* rose, and begged the attention of the Committee for a few minutes. Gentlemen, he said, must be aware, that they were now come to a very delicate part of the bill, those clauses which affected the native Indian Princes, and particularly the Nabob of Arcot and the Rajah of Tanjour, and certain other Rajahs, Zemindars, and Polygars, and landholders of different descriptions. Every person at all conversant with Indian affairs would undoubtedly join with him in opinion, that to lay down any precise and definite plan of regulations to be observed in India, with regard to the Nabob's debts, and the Rajah of Tanjour's debts, and to the other Rajahs, Zemindars, Polygars, &c. would be to act in a manner that might considerably tend to embarrass and to impede the very purpose aimed at, because those rules once laid down by the authority of
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an act of Parliament, they could not be departed from. At the same time it was equally obvious, that propositions of too loose and general a nature might do harm the other way. He knew, that upon the subject of the debts of the Nabob of Arcot, and of the Rajah of Tanjour, there were in the possession of the India Company, Reports very accurately drawn, and nearly completed; he meant, therefore, for the present, to move to leave all the clauses out of the bill that related to those persons whom he had just described; meaning, hereafter, to move a single clause in the room of them, which, according to the judgement of a person intimately acquainted with the affairs of India, and more perfectly master of the particular topics to which he had alluded than, perhaps, any Member of that House, was likely to answer the purpose much better than the clauses he should move to leave out of the bill.

Mr. Dundas accordingly moved to leave out the clauses marked 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52.

Being questioned by Mr. *Eden*, as to his intention with respect to the subject of the clauses so designed to be omitted, Mr. *Dundas* read the first draft of a clause, which, he said, was what he had in idea to substitute in their place.

The Committee, after this, proceeded to fill up the blanks of the progressive clauses, till they came to those that relate to the institution of a new judicature.

July

July 21.

The House went again into the Committee. On reading the clause obliging all persons on their return home to give in a duplicate of their fortunes upon oath, Mr. *Welbore Ellis* observed, that an account of their property thus given was not sufficient grounds to clear up either suspicion or charge before these appointed to make the enquiry; to be perfect on this head, a cognizance of what they were worth on their departure from home was necessary, otherwise it would be vain and fruitless to endeavour at any certainty in ascertaining what they really acquired abroad, and would open a wide field for evasion and abuse.

Mr. Chancellor *Pitt* replied, that he thought it would be fully to the purpose, to cause these gentlemen on their return to England to state what was their property on going out, and what they acquired in India.

Mr. *Eden* thought the clause objectionable for many reasons; he did not deny, but that a necessity existed for going some lengths more than ordinary to correct the abuses complained of. He argued, that the friends of this inquisitorial evidence ought to apply the same remedy to the abuses in the West Indies, and to these who had the handling of money at home; the same principle that extended to one, extended also to the others, though not in so pressing a degree as to the one under consideration now. He suggested, that some discrimination ought to be made,
and

and not equally involve all people concerned in that service, as, no doubt, some men were actuated by principles of honour.

Mr. *Orde* thought it was hard to subject all to such rigour, and proposed that it should only extend to those against whom a suspicion lay.

Mr. *Dundas* said, if such should be the opinion of the Committee, he requested the odious duty of making the charge should be transferred to some other body of men than these appointed to act under the present bill; the Directors or Proprietors would be much more proper for such a task, where punishment was to be partially inflicted; the principle he would have general, as it thereby removed all imputation of favour from the Commissioners, and enabled every man to sit down and enjoy with conscious satisfaction what he had acquired with honour.

Mr. *Dempster* reprobated the idea of treating every man who entered the service of the Company as a character upon whom suspicion ought to be entailed, till he submitted to the tribunal intended to be established; in his opinion, the very remedy proposed would have the least effect where it was intended to operate; for the very man who could be guilty of speculation or extortion, was the very man who would least hesitate to make an oath to justify himself, and insure his ill-acquired wealth; the proceedings in the present case were not a new idea of him; for he remembered, when he was an East-India Director, the porters who attended the House were every evening searched for fear they should carry away any thing they ought not with

with them ; as to the notion of finding out what some people were worth in going out to India, he believed it would be a very hard matter to make out what it was.

Lord *North* approved of making the examination of all those who returned home from India general ; an opinion of guilt should not be entertained against any man in particular, before proof ; and it would be making a cruel distinction to point at one man and exempt another, which must terminate at length in partiality ; but of all people he would not approve that the Proprietors, or any loose body of men should have the authority of conducting accusations, as wealth would find the way again to mitigate punishment ; so that he recommended the business to be without exception, and general.

Sir *James Johnstone* said, that the poor would undergo punishment, and the rich escape it.

Mr. *Porwys* asked the Chancellor of the Exchequer if he meant to modify this clause.

Mr. Chancellor *Pitt* replied, that he proposed to continue the clause as it stood ; but that in fact it would be modified by a subsequent clause, which exempted persons from giving in the account where fortunes did not exceed a certain sum ; he would tell the honourable gentleman that his idea was to fill up the blanks in that clause with 5000*l.* for five years, and so on in that proportion.

Mr. *Jenkinson* said, that undoubtedly the clause appeared harsh, but it was necessary ; he trusted the House should adopt it ; for his part he thought if a gentleman

gentleman at the end of ten years returned with no larger a sum than 10,000, all farther speculation would be needless.

Mr. *Vanfittart* said, he approved the principle upon which the clause was brought in by the right honourable gentleman; no person, he believed, would conceive he meant to screen oppressions, or that he was hostile to the right honourable gentleman; but the clause struck him as very harsh, and very severe. There might be a variety of reasons which might fairly be supposed to operate upon the mind of a very honest man, and to make such a disclosure very disagreeable to him. He, therefore, thought it should be applicable to those only, against whom some charge had been brought. Several gentlemen spoke, and proposed different modes of modification; and Mr. Smith thought that merchants should be exempted from giving in any account of this kind.

Mr. *Francis* said, he very highly applauded the principle of the clause; but it did not provide for the punishment of men, who might in fact not be worth a rupee, but who had acquired large fortunes by speculation, and afterwards might have dissipated those fortunes in India.

Mr. *Macdonald* said, that other clauses effectually provide for the punishment of oppression, whether the fruits of such oppression were preserved or dissipated abroad.

Lord *North* declared, that he did not expect much good from the clause; but if it stood at all, undoubtedly it should be general.

Major *Scott* said, that the learned gentleman and the noble Lord had explained, in a much abler manner than he was able to do, what he meant to have said. With respect to the case supposed by the honourable gentleman, (Mr. Francis,) he undoubtedly conceived that if a gentleman in India had acquired great riches by speculation or oppression, had afterwards dissipated the whole, and even involved himself in debt; if such a person should return to England to succeed to a fortune bequeathed to him here, surely he was amenable to justice, and responsible for his actions in as great a degree as if he had brought a large ill-acquired fortune to England. It certainly did sometimes happen, that a gentleman had acquired a handsome fortune (he would not say by speculation) and afterwards lost it again, as he heard was the case of an intimate acquaintance of the honourable gentleman very lately. With respect to what had been proposed by a right honourable gentleman, (Mr. Jenkinson) that those who returned at the end of ten years with 10,000*l.* should be exempted from any examination; he could assure the Committee, that at least nineteen out of twenty of the servants in India would be exceedingly happy at a prospect of being worth 10,000*l.* in ten years. But the fact was, that not one in ten was worth a shilling at the end of ten years. That the service of the Company of late years was not advantageous, till after a much longer residence, though there might be a few, and a very few, exceptions. With respect to the clause, he certainly approved of its being general; under the present circumstances

cumstances it had his intire approbation ; and so far he differed from his honourable friend, (Mr. Vansittart;) for such an exposure would convince the world how much they had been mistaken, both as to the amount of the fortunes acquired, and the time in which they were made. There might, however, be many very good reasons, though they did not strike him, why gentlemen might not wish that the precise amount of their fortunes should be known ; but as an opposition to the clause would be construed, under the delusion that prevailed, to a wish to screen speculation, it should have his intire concurrence.

Lord *Mahon* spoke in favour of the clause ; alleging that such a law hanging *in terrorem* over their heads who acted in India, would actuate them to uprightness.

Sir *W. Dolben* observed, that the case of many people who went out to India before this law was intended to pass; must be very hard ; as they must feel the effects of a jurisprudence they had no right to foresee they would be subject to ; and there were many there now, who, from their engagements in the Company's service, were not permitted to return home : on those it was particularly severe.

Mr. Chancellor *Pitt* replied, that as the law which established this jurisdiction over them was not to take place for twelve months, some then had it in their power to avoid the new law ; and even those whose situation confined them still in their engagements, were not so hardly treated ; for they were timely informed of what they must submit to, and caution suf-

ficient was given them how to act in this new predicament. He then wished to submit to the Committee, the ratio of savings which gentlemen might be supposed to acquire fairly in five years, he thought about 5000*l.* but he would submit it to the Committee for their information and improvements; this he thought was giving a very indulgent extent: but upon this head he was willing to take the sense of the Committee, to whom he now submitted it.

Mr. *Smith* thought this mode of rating the property of individuals both inaccurate and injudicious; it allowed for no gradations in rank or property; the Commander in Chief, and the lowest commander of a district, whose pay and opportunities were widely different from one another, must abide a test at the same ratio; but waving the argument of military men's property, whom he expressed no objection to preclude from the benefit of commerce, there still must a wide allowance be made for the servants of the Company, in a civil employ, who had many opportunities of honestly profiting by their own industry, who were often engaged in allowable and honest undertakings in traffic; and who, as it is the course of things, must sometimes meet a stroke of fortune, the result of some lucky mercantile speculation; the spendthrift, who should acquire a fortune there, spend it disgracefully, and return a beggar, would then have a better claim to legal reputation in England on his return, than the sober man, who carefully preserved what he honestly acquired.

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Mr. *Powys* said, that he had an insuperable objection, not merely to the *wording*, but to the very *principle* of the clause ; for if he understood it right, it went this length—it admitted the oath of a person to be the ground of his own acquittal : or what came nearly to the same thing, it made the oath a bar to a prosecution ; for if a man, however guilty of speculation, should make oath that he was not worth more than a particular sum, this oath would be conclusive, and operate as a bar to any prosecution. This would be holding out impunity to the guilty, and consequently such a clause would defeat its own object.

Mr. *Dundas* replied, that the principle of the clause did by no means go the length supposed by the honourable member ; for so far from holding out impunity, it in fact was calculated to enforce the grounds on which a prosecution should afterwards be built, as it went to procure the strongest evidence of a man, his own confession. But it might be said, a man might perjure himself to screen his ill-gotten wealth from confiscation. It was possible ; but under the guards that should be contained in the act, he believed perjury in such cases would very rarely happen, if ever ; for the risk would be great ; a speculator must entrust a number of persons with his wealth, the banker where he lodges his money ; the captains of ships, or other persons who bring his property to Europe ; the persons in whose hands he might have left some of it in India ; and he must lie at the mercy of all these people, who finding that he had not given in a fair and *full* inventory of *all* his property, might
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inform against him ; the consequence would be a confiscation of his *whole* fortune : this was therefore a risk, which he believed few would be found to run, for the sake of covering or concealing a *part* of their effects.

Mr. *Sheridan* supported the objection thrown out by Mr. *Powys* against the principle of the clause : the sacred obligation of an oath would, he feared, sit exceedingly light on the conscience of a peculator : nay, as it was impossible that a servant of the Company could have amassed an inordinate fortune by speculation, without having committed perjury in so doing, by the breach of official oaths, so it was very natural to expect that he would very readily commit a second perjury, in order to cover a former ; and there was little reason to hope that conscience, which had been seared to all sense of religion, duty, and honour in India, should recover its sensibility merely by a change of climate on a passage from that country to England.

Sir *James Johnstone* remarked, that if the clause was to be adopted at all, its operation ought not to be confined to the Company's servants : he therefore moved, that it be extended to officers employed in the service of His Majesty, either in his fleets or armies, serving in India, who should, on their return to England, be obliged to take the same oath. This motion was scarcely attended to, in a long conversation which ensued, in which several exceptions were proposed, of persons who should not be considered as coming within the meaning of the act. It was urged

urged that nothing could be more injurious to trade than to compel a merchant, while still engaged in business, to lay open to the world a state of his affairs. On the other hand, it was insisted that trade could not be injured in the smallest degree by a regulation which would not affect a merchant, until he should have retired from business, and returned to England to enjoy the fruits of his industry.

Mr. *Dundas* said, he wished no other fortunes were to be acquired, but those which should be made in trade; but it was not among the traders that the inordinate fortunes were to be found; the principle servants of the Company were restrained from trading at all; and yet it was generally among them that overgrown fortunes were to be seen: as to the real trader, however rich he returned to his country, he would respect, cherish, and revere him.

Mr. *Sheridan* said, he made no doubt but the *rich* merchant would be respected, cherished, and revered; what treatment he should meet with if *poor*, it was not for him to foresee or to foretel.

Mr. Chancellor *Pitt* said, he would wish to admit an amendment, which should exempt from confiscation any fortune, however great, acquired *bona fide* in and by trade; and which should exempt the owners of it from the necessity of taking the oath presented; and accordingly he moved an amendment to that effect.

Lord *North* condemned that part of the amendment, which went to make a distinction between persons: he had no objection to any security that might be given to merchants for property fairly acquired

quired in the way of their business; but he was an enemy to any distinction of persons: the whole object of the clause was a hardship, and a very severe hardship; but it would be less intolerable, if *all* were to be made liable to it, than a *few*; a distinction in this case would be odious and invidious; for to call upon any one individual, or particular set of individuals, for an inventory upon oath of their property, would be very like an accusation against them; certainly it might be said to amount to a *suspicion*; in order therefore that all odious distinctions might be done away, he wished that *every* man should be bound to take the oath on his return from India: the merchants could run no risk, as the property acquired in trade could not be deemed the consequence of speculation; and no fortune would be made liable to confiscation, which should not have been the fruit of speculation.

Mr. *Pitt*, on reconsideration, withdrew his amendment, and gave way to Lord North's wish on the subject. For the same reasons nearly, the idea of making the person take the oath only when required by the Controlling Board, or Court of Directors, was also given up.

Another conversation then took place on the quantum of the sum which might be supposed such a person might have fairly saved in India out of his salary.

Mr. *Pitt* at first proposed, that a person after having passed *five* years in India, and swearing that he possessed no more than 5000*l.* and so in proportion
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for a greater number, adding 1000l. for every year over and above any other property which he possessed out of India, and not acquired in the Company's service, should be freed from all prosecution on the score of such fortune, (supposing there was no perjury in the case.) This was not thought to be a good way of judging of the manner in which property might have been acquired : for it accumulated much faster after a number of years than in the proportion of one 1000l. each year.

Mr. *Francis* observed, that possibly it might happen that the greatest peculator that ever was in Asia, might not have 10,000l. on his return from India, after an absence of more than ten or twenty years, and therefore the smallness of his fortune on his return would be no proof that he was not guilty of speculation ; he wished therefore to be informed, if a man in such circumstances, after having amassed a great fortune in India, and afterwards squandered it on the spot, was to be deemed an object of punishment within this bill. On the other hand, it would be a hardship, that a worthy honest man, having amassed, by great œconomy and industry, a larger sum than what would be equivalent to 1000l. a year, for every year he had passed in India, should be deemed a peculator, merely because he had not been a squanderer.

Mr. *Dundas* replied, that the man who should have squandered in India a fortune, acquired there by speculation, would certainly be much less an object of punishment than the person who should plunder

der the natives, and then carry the plunder out of the country: to spend among the natives their own money, would be better than to impoverish the country by carrying it out of it; but still the crime of peculation would not, ought not to be done away, by the squandering of the fortune; the peculator's crime would follow him to England; and whether rich or poor, he would be liable, all the days of his life, to answer for his peculation; as would the person who, in order to conceal it, should take a false oath.

Mr. Chancellor *Pitt* proposed, that after the first five years, the persons employed in the Company's service might be supposed to lay by and save out of their salaries 2000*l.* a year, without being suspected of peculation.

Lord *Mulgrave* did not wish that any distinction of years should take place; he wished rather that one gross sum should be mentioned, and that whoever should be proved to have brought such a sum from India, should be presumed to have been guilty of peculation.

Mr. Chancellor *Pitt's* proposal, however, was adopted.

Here Sir *James Johnstone* reminded the Chairman of the motion which he had made, for subjecting the King's officers, both of the army and navy to the necessity of taking an oath, as well as the Company's servants, to ascertain what fortunes they should bring from India.—The Chairman asked, who would second the motion?—Sir James said, an honourable Admiral

Admiral near him (Sir Thomas Frankland) would ; but the Admiral declared he would not.—Sir James said, he understood from the Admiral that he would ; but Sir Thomas was inflexible.—Sir James then said, “ If the officers of the army and navy wish to have “ the exclusive privilege to plunder the natives of “ India, I shall leave them in possession of it.”

Mr. Dempster at last seconded the motion.

Captain *Phipps* then said, that he presumed the honourable Baronet made the motion merely for his amusement, as it was too ridiculous and absurd to be debated : if he was inclined to treat it seriously, he would say, that if the motion was carried, no officer would wish to go out to India ; for if a captain went out merely to carry dispatches, and his ship should be detained there any time, he would find himself obliged on his return to give an account of every sixpence he was worth.

Sir *James Johnstone* in reply said, he knew a Commodore who staid only one night in India, and yet contrived to make 90,000*l.* in that one night : he presumed the honourable Commodore (so he by mistake called Captain Phipps) who spoke last would have no objection to carry out dispatches on the same terms. The question was at length put on the motion, and Sir James insisting that it was carried, the Committee divided, when there appeared,

For the motion, - - - -	39
Against it, - - - -	142
Majority against Sir James, -	103
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After the division, the Committee proceeded to fill up the blanks in the clause; when the Chairman got to the blank left for the time within which persons on return from India should take the oath, Mr. Pitt moved, that it should be filled up with the words *two months*.

Mr. *Atkinson* said, it frequently happened that gentlemen arrived from India in so very bad a state of health, that they really were not able to bear the fatigue of settling their affairs immediately, and preparing their inventories, to which they must swear; he prayed, therefore, that on making it appear to the satisfaction of the Controlling Board, the Court of Directors, or the Barons of the Exchequer, that their health would not permit them to comply with the act in point of time, that the term might be enlarged. He observed also, that whenever it should appear that merchants had returned merely to recover their health in their native climate, without having finally retired from business, they should not in that case be obliged to give in upon oath an account of their affairs. The former part of Mr. *Atkinson's* proposition was admitted, but the latter was rejected. The oath was prescribed by the clause to be taken before the Lord Chief Baron of the Exchequer in England, or any ——— of the Barons of the said court: the blank was filled up with the word *one*; and then the whole clause was agreed to without a division.

The first blank in the next clause, directing the means of prosecution in case of fraud, for the number

ber of Proprietors, was filled up with the word *three*; and the second blank, for the value of their stock, with the words *one thousand pounds*.

The next clause was relative to the consequences that would attend a concealment in the inventory deposited in the Court of Exchequer. When the blanks were filled up, it appeared, that whoever should have made a concealment to the value of 2000*l*. (it being supposed, that even a well-intentioned man might not be able to state the precise value of property, scattered, perhaps, in different parts of the world) should *forfeit all* his lands, tenements, monies, securities, &c. one moiety to the King, the other moiety to the East-India Company, reserving 10*l*. per cent. to persons making discovery of concealed property, and that the person making the concealment should moreover suffer imprisonment, for such time as the Court of Exchequer should in its discretion think fit, without bail or mainprize. There was no opposition to this clause. The next clause was to exempt generally from the necessity of giving in an inventory, and swearing to the truth of its contents, all persons who should arrive from India before the first of January, 1787.

Mr. *Sheridan* said, this clause was in fact an indemnity held out to all peculators, and a warning to them to return to England before the first day of the year 1787, as the means by which they might screen themselves from trial, and their property from being taken from them, as a punishment for the illegal methods by which it might have been acquired.

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The inventory and oath were deemed the means by which evidence of their peculations was to be procured; these means therefore being taken away, impunity of course would ensue.

Mr. Dundas denied that this would be the consequence of the clause; and he believed it would not accelerate the return of wealthy persons from India; for his part he should deem hasty returns within the period prescribed by the clause, *prima facie* evidence that the persons so returning were peculators; and therefore fit persons for trial. But though they should be exempted from the necessity of taking an oath, it did not follow that they should, if guilty, escape punishment; the oath and inventory were only some out of very many means of acquiring an accurate account of the property of persons returned from India: there were still other methods, which, he trusted, would prove sufficiently successful. His reason for wishing to exempt persons now in India, and who should return before the year 1787, from the operations of the law, was, that with respect to them, it would be an *ex post facto* law; and therefore liable to very strong exceptions.—The clause, after a little more conversation, was agreed to without a division.

Mr. Sheridan remarked, that while a former clause was under consideration, the learned and right honourable gentleman had said, that a person taking the oath prescribed by the bill, and taking it *falsely*, would be liable all the days of his life to a prosecution for perjury; and he presumed that as no period

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was mentioned in which charges should be brought for peculation, or prosecution for perjury, very serious consequences would ensue to the parties; for exclusive of the very disagreeable circumstances of having the terrors of a prosecution hanging over a man's head, he must find himself with respect to property, in a very uncomfortable situation; for he could make no settlement of his fortune; he could not sell or mortgage his estate, as no one would have any thing to do with a property, still liable to forfeiture, at least to be contested at law.

Mr. *Dundas* consented that a term should be fixed for bringing prosecutions; and in order to allow sufficient time to send to India for evidence, and bring it to England, the time was fixed at *three years*.

The *Chairman* having got to the clause next but one to that which relates to a tribunal for the trial of East-India delinquents,

Mr. *Folliffe* expressed a wish that at that late hour (ten o'clock) the Minister would not proceed to so important a question as was that which related to the erection of a tribunal, so very different from all those which were framed according to the principles of the British constitution: he said, many gentlemen were absent, because they did not think that this question could have been brought on this night.

Mr. *Pitt* replied, that if the Members were absent, who ought to have been present, it was not his fault: it was understood a few days ago, that the clauses relative to the judicature would be brought on this day; and if gentlemen had not attended he could not help it.

Mr. *Sheridan*

Mr. *Sheridan* said, that it had been agreed by the right honourable gentleman, that the erection of a new tribunal being a matter of very serious import, there should be a day for the discussion of that business solely; and yet, contrary to that agreement, he was now going to hurry it on, in the absence of those, who, confiding in that agreement, did not think that business would be brought on that day.

Mr. Chancellor *Pitt* admitted the agreement; but he insisted that he had fulfilled it, having left off last night at those clauses which had been discussed this night, because they related to the erection of the new tribunal: this whole evening had been devoted to that purpose; and therefore he had kept the terms of his agreement, and was not to answer for those who had absented themselves.

Mr. *Fitzpatrick* did not conceive that, consistent with that agreement, the right honourable gentleman could go on this night with the clauses relating to the judicature: that when his honourable friend (Mr. *Sheridan*) moved a few days ago that the bill might be divided into *two*, it was agreed by the right honourable gentleman himself, that the part relating to the Judicature should have a day to itself, and should not be discussed at *the tail of a debate*: these were the very words of the right honourable gentleman: now surely if what had passed this day did not relate to the Judicature, and surely no man could say that it did; the right honourable gentleman was going, in defiance of his own agreement, to bring on the most important discussion at *the tale of a debate*: to the
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right honourable gentleman he would leave it, to reconcile it with candour.

Mr. Chancellor *Pitt* insisted that the clauses which had been this night before the Committee related to the Judicature, because they were calculated to procure evidence preparatory to trial, and therefore the question of Judicature had virtually been under consideration all the evening, and his arguments had not been violated,—[*There was then a general cry through the Committee of—Go on, go on.*]

The Chairman therefore proceeded: he read the clause which precludes from returning to India all persons who had served in that country, and after their return to England, should have resided here, or elsewhere in Europe, for the space of
unless they shall prove that they have returned on account of their health.

Mr. *Sheridan* said this would greatly injure the public service, as the officers of the King's army and navy having once served in India, could not return to it if this clause should pass.

Mr. *Dundas* begged that gentlemen would wait, until the amendment proposed should have been moved, and then, he believed most of their objections would vanish.

Mr. Chancellor *Pitt* then proposed, that none should be within the meaning of this clause, who had not served, or exercised an authority in India, under the sole appointment of the *Company*: this, he said, would take the King's officers entirely out of the bill.

This amendment was agreed to without debate. He then proposed that blank left for the time the Company's servants should have resided at home, and which should amount to a disability to return to India, should be filled up with the words *five years*; but in order to accommodate himself to the wishes of some gentlemen, he proposed that they should not be absolutely precluded from going out again; but that they might be capable of being restored with the consent of the Court of Directors, and of *three fourths* of the Court of *Proprietors*.

Mr. *Sheridan* said, that this amendment certainly removed a very strong objection that he had entertained to it: he submitted at the same time, whether it would not be just to exempt from the necessity of applying to the Court of Directors and Proprietors, such persons as should have been detained by prosecutions under this bill, till the expiration of the five years: if something of this kind was not done, it would be in the power of the Controlling Board or of the East-India Company, to bring a prosecution just before the expiration of the five years; and by detaining the accused till that period was expired, actually supersede and drive him from the Company's service.

Mr. *Dundas* admitted there was something solid in the observation; but said if the honourable member's proposition was to be admitted, it would be made a handle for the evasion of the bill; and therefore it would be better, in his opinion, to leave those persons to the Court of Directors and Proprietors: if
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the latter had ever erred, it was on the side of clemency and indulgence to their servants; and therefore unless a man should appear to be very undeserving indeed of favour, it was probable he would be restored by the Court of Proprietors. He did not think that a bare acquittal would entitle a person accused, as a right to demand at the end of five years, during which time he had been detained for trial, a restoration to his employment: to be acquitted on the merits of his case was one thing; to escape merely through defect of evidence was another. The clause, as amended by Mr. Pitt, passed without any farther debate.

The Committee having now come to the clause (marked 90, in page 30 of the printed bill,) which is the first on the subject of the new judicature, to be instituted under the authority of the bill, Mr. Chancellor *Pitt* rose and said, as they were now arrived at those clauses, that related solely to the new tribunal to be appointed for trying East-India delinquents, and as he had a variety of amendments to offer, as well as some new clauses to substitute, which would in effect amount to a material change of the judicature, as proposed in the printed bill, it appeared to be the most likely means of saving the time of the Committee, and of giving them a correct idea of the nature of the alterations intended, and the degree of difference they would produce, for him to state them altogether as shortly as he could, before the Committee proceeded to receive them in detail, line by line, as the blanks in the clauses called for them.

As the clauses stood in the printed bill, the bringing of the accusation, which had very naturally on a former day excited a good deal of remark and discussion, lay solely with His Majesty's Attorney General, or with the United Company of Merchants trading to the East Indies, to each of whom was given a power to exhibit an Information in the Court of Chancery. In room of this, it was designed to extend this power of instituting a prosecution, and to authorize any other person or persons to move the Court of King's Bench for an Information, which motion would necessarily be to be argued, and it would lie with the discretion of the Court to decide whether, after the grounds of the application had been fairly and fully stated, there was a case made out sufficiently strong to justify the granting an Information. It was meant also to give the Court of King's Bench powers to issue commissions to the the Courts of Justice in India for the purpose of taking depositions, and collecting such evidence upon the spot as would best serve to throw light upon the subject matter of accusation. As it was undoubtedly desirable to restrict, as much as possible, the sort of evidence to be adduced and offered before the extraordinary tribunal the bill went to authorize the institution of, this mode of procuring depositions in India would, he flattered himself, be deemed a considerable improvement; but they were not to be the sole species of written evidence to be allowed; exclusive of the affidavits that were to be exhibited, minutes of the consultations of the different Councils in India were to be taken as evidence

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dence; nor was this any innovation, because they already had, on various occasions, been allowed as such in the Courts below.

Another material, and, perhaps, the most material alteration of all, was, an alteration in regard to the formation of the court, or tribunal, before whom the Informations that would be granted as aforesaid were to be tried. It was not intended that such Informations should be filed till after the arrival of the depositions from India; and they were not to be handed over till the whole of the evidence was collected that was capable of being procured, or thought necessary to support the information; then, and not till then, the tribunal was to be chosen; and it was to consist, as before, of some of the Members of the other House of Parliament, and some of that: but the more to bring it to the nature of a special jury, it was intended to appoint it partly by ballot and partly by selection; thus at the time of the ballot, there should be put into a glass, lists of names of the Members of both Houses, against twenty of which the party accused should have a right of peremptory challenge. As the printed bill stood, it was meant that the issue of the ballot should lie with the majority; but, in order to give the person accused the fairer chance, as it was generally supposed that the prevailing party in that House (which prevailing party was always presumed to be the Administration of the day, though in modern times they all knew that had not been the case) had the majority at will, it was intended, that not merely lists of the majority with

with forty names should be deemed elected, but that each list which contained as many as twenty names should stand good. It was meant farther to give the prosecutor a right to challenge, but not peremptorily, only a right to challenge for cause. After these lists of forty and twenty were collected, they were to be sent to the Judges, and by them kept, until just immediately before the commission appointing the Court should be ready to issue from the Court of Chancery, when they should be put into the balloting glass before the Judges of the several Courts, and six names should then be chosen out of the lists by ballot. As a farther alteration, it was thought proper to take away the right of nominating the Judges from the Crown, and to leave it to each Court to appoint one of its own bench to sit and assist at the trial. There would also be clauses declaring persons of a certain description ineligible upon the Court, such as Directors of the East-India Company, persons who had been in India, and every other description of men that could possibly be supposed to have any bias or prejudice upon their minds at all likely to affect the impartiality and justice of their opinions and decisions. Mr. Pitt stated other regulations, calculated to render the new tribunal as unobjectionable as in the nature of things it could be made, and informed the Committee, that since he had first opened the outline of it, a great many meetings had been held for the purpose of considering it maturely, and endeavouring to find such modifications, restrictions, and rules, as should be most likely to add to its

its improvement, and to secure it as a medium of the distribution of justice, unmixed with prejudice, and free from abuse of every kind whatsoever. Having substantially stated what the amendments he intended to propose amounted to, and described the effect they were likely to produce; he proceeded to move them one by one, as the Committee arrived at the different parts of the remaining clauses of the bill, in which they were to be introduced.

Mr. *Sheridan* said, what the right honourable gentleman had suggested, certainly went a considerable way towards removing the objections that he had entertained against the Court of Judicature, which the printed bill held forth, as the tribunal that was to be instituted; it was, however, impossible for him on the first hearing of alterations so various and so material, to say how far they were all of them improvements or not, but as the Report of the bill, when it came out of the Committee, was to be printed, with the amendments, he should then be the better able to judge, and to give his opinion upon the subject of the new tribunal as it would then stand.

Mr. *Jolliffe* also admitted that the amendments that had been stated by the right honourable gentleman, made the latter part of the bill, which related to the new judicature, less exceptionable than it was in the form in which it stood in the printed copy.

The Committee then went on to fill up the blanks, and receive the supplemental clauses, which they

they did, and the whole bill; and it was ordered to be printed with the amendments.

July 26.

The order of the day having been, upon motion, read, that the amendments of the Committee upon the India bill be read a second time, and the question being put, "that these amendments be now read,"

Mr. *Eden* rose, and expressed a wish, that the right honourable gentleman would suffer the Report of the bill to be recommitted. Mr. *Eden* declared solemnly, he did not wish the recommitment of the Report for the sake of procrastination and delay, but with a view to amend some of the new clauses, and correct such errors as appeared to have escaped notice from the manner in which the new clauses had been moved. He declared, that he thought the bill much improved in consequence of the alterations it had undergone in the Committee, and that though he did not think it so adequate to its object as he hoped the bill would have been made, he did not mean to oppose it; he was extremely desirous, however, to offer some observations that, in his mind, would tend materially to improve different parts of it, and these observations he could not so conveniently nor so intelligibly state as in a Committee. If his request could not be complied with, he must, he said, submit what he had to say upon the bill as it then stood, before he sat down. Mr. *Eden* then went into a brief review of the three distinct heads, that the beginning, middle, and end of the bill refer

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to. He dwelt for some time on the first, the institution of a new Board of Superintendence and Control, and offered a variety of apposite and pointed remarks upon it. His chief objection was, that the Directors and the Board of Control would be two clashing powers, productive of mutual inconvenience, inactivity, and delay. Upon the second he did not say a great deal. With regard to the third, the institution of a new Court of Judicature, he repeated his wish that it had been made the subject of a separate bill; and he declared he was the more surprised that such a proposition should not have been listened to, since, upon a perusal of the bill, he did not observe that the new jurisdiction was to take effect in any hurry. There would have been time enough, therefore, to have agitated a subject of such great importance another session, and surely, if the exigency of the case did not press for particular haste, it must be allowed that a matter of that magnitude could not be too deliberately, nor too seriously discussed. He condemned the clauses obliging all persons coming home from India to give an inventory of their estate and effects upon oath, and said, to compel a person to swear to such an inventory, in order to afford grounds of conviction, and punishment of himself, was at once to break through as sacred a principle as any he had ever heard of. Mr. Eden stated other parts of the bill relative to the new judicature, that he thought extremely imperfect and reprehensible.

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Mr. *Francis* rose next, and prefaced a very able speech by declaring, that in the observations he had to offer to the consideration of the House, instead of urging any pretensions to candour, he would lay claim to sincerity, which he thought was much the most desirable of the two, when subjects of the importance and magnitude that characterised the objects of the present bill were under consideration. In order to obtain some degree of credit, when he came to state his objections to particular parts of the bill as it now stood amended, he said, he would set off with declaring, that he thought several of the alterations that had been made in the Committee were extremely right. In the first place, he much approved of the alteration of the clause, the effect of which was, that no orders were to be sent out without the knowledge of the Directors. He approved also of all military appointments being restored to the civil power. This he admitted to be right; but must remark, that it was absolutely contrary to the principle upon which the right honourable gentleman opened the bill; since he had taken great pains to prove, and laid great stress on the argument, that the military appointments ought to remain in the Crown. The directing that the debts of the Nabob of Arcot, and the rights and pretensions of the Rajah of Tanjore, should be taken into immediate consideration here at home, was extremely proper. To have sent either of these points to be adjusted in India, would have been to have sent them before a partial tribunal. The fixation of the
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tribute also particularly met with his approbation. It was wise, it was just, it was equitable; but then he thought the clause should be restored that prohibited the alteration of the tribute upon any pretence whatsoever. With regard to the clause forbidding the acceptance of presents, he declared, he was glad to find it was extended generally, and that presents of ceremony, as well as every other sort, were forbid. The prohibition ought undoubtedly to be general, wherever it existed; but human laws should consult human nature. He remarked how disgraceful it was for a man in high office, to hold out his hand for three or four rupees, when a poor, insignificant individual dare not do any such thing. Having thus touched upon those clauses that he approved, he came to the mention of others, with which, he said, he was not so well satisfied, and first, he pointed out the changing the number of the Council, and limiting it to four, as this did, for the purpose of increasing the power of Mr. Hastings, by giving him two votes. If that principle were a right one, it would be much better to carry it into effect another way, and to invest the Governor General with a power separate and independent of the rest of the Council: it was not a little remarkable, however, that while there had been five in the Council things went well. That was a fact in which he expected to be supported by such of the Directors as were present. Their own records would shew, that when General Sir John Clavering, Colonel Monson, and himself were in India, the Com-

pany's orders were obeyed, and things wore a prosperous aspect; upon Sir John Clavering's death, and upon the Council's being in consequence reduced to four, the mischief began, and had continued increasing ever since. He contended, that it was absurd that decision in a Council should attach to any thing but a majority of opinion; but if it was thought not, then those who held that objection ought at least to provide for that objection on their own principles. At present, he said, there was the same opposition to Mr. Hastings that there had been in his time; Mr. Wheeler, Mr. Macpherson, and Mr. Stables, having differed with the Governor General in several important questions. The fact was, Mr. Hastings never was in the habit of agreeing with his Council. Speaking of the bill as it stood with the amendments, Mr. Francis said, it was diametrically opposite to that of the bill originally produced, and yet it was equally wrong; by the first bill, the Directors appeared to be useless, and ought to have been annihilated; as this second bill stood, the new Board ought to have been annihilated, for its power was gone. Wherever power is given or left, it ought to be strengthened, and for that end he wished it to be united in one hand. The old maxim, he observed, was *Divide et impera*; divide the people, and then govern them. Now the maxim was reversed; the bill took the other way; it divided the power that was to govern, instead of those which were to be governed. From this remark he proceeded to a farther consideration of

of the clauses, and touched in particular upon that respecting the Commander in Chief of all the Indies. He appealed to the feelings of military men upon the subject, whether the Commanders in Chief at Bombay and Madras must not feel extremely mortified to find themselves one day counsellors, and the next day deprived of their seats at the council table? At length he came to the consideration of the new jurisdiction. He said, he should not enter far into the subject of the new judicature, which the bill introduced into the criminal law of this country. He perceived, that, in the apprehension of some gentlemen, this part of the bill was considerably corrected and improved by the amendment made in the Committee, and that some gentlemen who objected to it at first, were now satisfied. He was truly sorry for it, because he wished that the principle of every measure, which he deemed to be dangerous to the Constitution, should appear at once to the public view undisguised, in its real shape, and in the colours that belonged to it. They deceived themselves grossly if they imagined that that which was essentially wrong could ever be formally right. It could not be corrected or improved, because the defect was in the essence, not in the form. And why should they lay aside the trial by jury in the case of Indian delinquents? He had yet heard no one affirmative reason assigned for it. Was it suspected that a jury would not do justice? They had no ground for the suspicion: on the contrary; in the only case in point, in the only case of Indian delinquency that had been prosecuted

prosecuted in a court of common law, the jury did their duty. He did not mean to enter into the merits of the prosecution of Mr. Stratton and Mr. Brooke, for dispossessing and imprisoning Lord Pigot; it was sufficient for his present purpose to say, that the public in general thought that more persons deserved to be severely punished, and expected that they would be so. Why were they not? The jury did *their* part in finding them guilty. If they were not sufficiently punished, it was the fault of the Bench. Now, Mr. Francis said, see the consequence. They laid aside the Jury, who, in the only instance in point, did every thing that depended on them to bring the criminals to condign punishment; and the House thought they were sure of justice, in uniting the incompatible offices of Judge and Jury in the same persons, who, the only time they tried, totally disappointed the public expectation of public justice. But all reason and argument were useless against power; if a British House of Commons, on any terms, consented, in any instance, to abolish the trial by Jury, and if the people at large were insensible of the danger of such a precedent, individuals, who had done their duty, must submit to their share in the mischief, which they could not prevent. He feared the temper and character of the nation were changed. Though he was not an old man, he could remember a time when an attempt of this nature would have thrown the whole kingdom into a flame. Had it been made when a great man, who was now no more, had a seat in that House, he would have started from the
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the bed of sickness, he would have solicited some friendly hand to deposit him on that floor, and, from that station, with a monarch's voice, would have called the kingdom to arms to oppose it. But *he* was dead, and had left nothing in this world that resembled him: he was dead, and the sense, and honour, and character, and understanding of the nation were dead with him. But it seemed there was a necessity that superceded all objections. Justice must be done, and criminals must be punished. It required some fortitude; it required patience, long exercise to endure so gross a mockery. The bill that threatened future punishment to future crimes gave them a special earnest of its sincerity, in sheltering every offence, and protecting every offender, that had hitherto existed, or who did exist at that hour. This law opened its bosom to receive them, and there they were safe: nay, it carried its precaution farther; it provided for the security of crimes *in esse*, that were actually unfinished, and allowed a sufficient time in which they might be compleated. When those honourable services were accomplished, strict Justice was then to take her seat. From that moment they were never to see any thing but her sword. When the whole harvest had been plundered, when the field itself had been trampled into dust, they denounced racks and gibbets to the petty larceny that hereafter might glean a few ears of corn. He had done his part to the utmost of his little judgement and ability. From those to whom more had been given, more would be expected. What he had said
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would not have been useless, if it suggested the materials of reflection to others, and furnished employment for greater abilities. And now Mr. Francis desired to say a word at parting to two honourable gentlemen, who had been pleased to make some remarks upon what he had said, and upon his conduct, on a former occasion, (Major Scott and Mr. Dundas.) The former of these gentlemen had, in a part of what he had said, taken him somewhat unawares, when he referred to what passed in Bengal in 1774, and to a letter wrote from thence home, which he had been pleased to criticise in a manner which, he was free to own, he had not expected, nor was he at the time quite prepared to answer. He had, however, since looked into the matter, and he found, and would undertake to prove, that he had received the information of the ruin of Bengal from no other than Mr. Hastings himself. In a day or two after his arrival, Mr. Francis said, he had an interview with Mr. Hastings, and a very long conversation on the situation of affairs in India, when Mr. Hastings gave him the impression that had been described in a letter quoted a few days since by the honourable gentleman opposite to him, and which letter, possibly on account of its dullness, the honourable gentleman had been pleased to call his. That honourable gentleman had expressed some displeasure on being supposed to be Mr. Hastings's representative; though he should not imagine the honourable gentleman wished, when the conduct of his friend was questioned, to be considered as any other than his representative.

sentative. He must remark, however, that the sort of criticism the honourable gentleman had chosen to go into, and had applied to him, was unmerciful to the House, as well as not fair on any principle of retaliation. Let the honourable gentleman recollect that he had not searched for Mr. Hastings's letter to criticise; it had been brought before him by the honourable gentleman himself, who had moved for it as a matter of triumph; but even if he had called for it, an inoffensive pleasantry did not by any principle of the *lex talionis* justify a serious and deliberate attack that affects character. Notwithstanding his respect for him, Mr. Francis said, he could not follow the honourable gentleman's example. If ever he should object any thing to him which he did not think very probable, the honourable gentleman might rest assured he would give him previous notice of his intention, especially if it related to any matters of personal delicacy. What had passed between them, and to which he was then alluding, had been a personal question, of no moment to the House. It was now become, however, material that the House should know what the state of Bengal was ten years ago. When Sir John Clavering, Colonel Monson, and he went to India, they found the Rohilla war begun; and that was avowedly commenced with a view to plunder. Mr. Francis here stated the following minutes and declarations of Mr. Hastings, &c.

3d Dec. 1774.

" All our advices, both public and private, represented the distresses of the Company at home as ex-

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treme. At the same time, such was the state of affairs in this Government, that for many years past the income of the year was found inadequate to its expence; to defray which, a heavy bond debt, amounting at one time to 125 lacks of rupees, had accumulated. By allowing the Vizier the military aid which he required, a saving of near one third of our military expences would be effected during the period of such a service; and the stipulation of forty lacks would afford an ample supply to our Treasury, and to the currency of the country."

Our first observation was, *that urgent distress was employed in the violent nature of the remedy.*

30th Nov. 1774.

" If the internal resources of a state fail it, or are not equal to its occasional wants, whence can it obtain immediate relief but from external means?"

30th Nov. 1774.

" I shall be always ready to profess that I do reckon the probable acquisition of wealth among my reasons for taking up arms against my neighbours!"

17th Oct. 1774.

" The acquisition of forty lacks of rupees to the Company, and of so much specie added *to the exhausted currency of these provisions.*"

5th Feb. 1775.

" When a very considerable portion, supposed even a third of the whole inhabitants, had perished, the remaining two thirds were obliged to pay for the lands now left without cultivators. The country has languished

guished ever since, and the evil continues enhancing every day."

Mr. Samuel Middleton.

These, Mr. Francis said, afforded pretty plain proof of the ideas Mr. Hastings entertained on the subject, particularly that of Nov. 30, 1774, where Mr. Hastings declares, he shall be always ready to profess that he did reckon the probable acquisition of wealth among his reasons for taking up arms against his neighbours. Mr. Francis commented upon this for some seconds; and then stated, that Bengal had at that time great resources, which they improved. What, he asked, had happened since? wars, extraction of specie, and lately there had been a famine, as was evident from the Committee that was appointed under the title of The Committee of Famine. At length he came to take notice of what had fallen from Mr. Dundas on a former occasion. He said, being but a young member, he was not aware that gentlemen might take down what others said and use it in debate; a form of proceeding that he had seen resorted to by the learned gentleman with singular advantage. He must therefore trust to his memory for what he was going to observe. Mr. Francis then reminded the House, that as that gentleman had talked in a general way of disobedience of orders, without coming to particulars, he knew not where to grapple with him; that with respect to the Maratta war, he affirmed that Mr. Hastings was not guilty of disobedience of orders, that the Directors themselves were to blame, in forming and encouraging a plan of

conquest on the Malabar coast, and that Mr. Hastings, in commencing and pursuing the Maratta war, had not disobeyed orders, but had conformed to the views of the Directors. That Mr. Hastings, nevertheless, was much to blame for violating the treaty of Poorunder. On this assertion the learned gentleman had challenged him, and had declared himself ready to meet him at any time and on any ground. He was conscious, Mr. Francis then said, that there was no equality between him and the learned gentleman; he felt it therefore to be a great compliment for the learned gentleman to meet him upon any point: but could the learned gentleman be serious; had there not been any disobedience of orders? Let him ask the right honourable gentleman next him, let him look at the bill itself, let him refer to the letters of the Directors, and all the Reports of the Committees! Had not all the right honourable gentleman's bill proceeded entirely upon the assumed fact that there was disobedience of orders, and that the Court of Directors at home wanted sufficient authority to enforce obedience to their orders? If the learned gentleman called for instances, he would state the case of Fowbie, and the well-known case of Mr. Bristow. He needed only to recal the attention of the right honourable gentleman to the Contracts, which alone formed a mass of evidence as to the disobedience of orders. Add to these, the Maratta war, the fundamental orders of the Directors had been, as appeared from the first article of the General Instructions, and

as was to be found in the General Letter of the 5th of December, 1775:

First Act of General Instructions.

“ *General Instructions, 5th of December 1775,* — never to employ the Company’s forces in distant expeditions.”

“ *Instructions to Commissioners* — In all your treaties with the country powers, to take care that they be so framed, as neither immediately nor eventually to engage the Company in any disputes between those powers.”

Directors to Bombay, 4th of July 1777, received at Calcutta the 11th of March 1778.

“ Though that treaty is not, on the whole, so agreeable to us as we could wish, still we are resolved strictly to adhere to it on our parts.”

Mr. Francis said, there were parts of those orders, which the learned gentleman had himself declared to have formed, altogether, a perfect code of justice, and a perfect system of policy. He asked, were the orders to the contrary to be found? but even if there had been any, Mr. Hastings should have preferred the first; but he chose to grapple with the Directors. He reminded the House, that there had been two Maratta wars, and particularly recommended to them to keep that distinction ever in their minds, as much of all the questions respecting the events in India for some years past depended upon such a distinction being correctly made. After having established, that there had been disobedience of orders in a variety of
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notorious instances, and that Mr. Hastings had, on various capital occasions, incurred that charge, he spoke of the abilities of Mr. Dundas in very high terms, but mixed some sarcasm with his praise. He said, he had read the learned gentleman's works all through, he meant his Reports, which he believed was what few other gentlemen had performed; that he found them extremely able — That these Reports all through stated the disobedience of the Company's servants in decisive and unequivocal terms; but that of late the learned gentleman had chosen to argue the other way; and though few men, however ingenious, and however able, could acquit themselves decently, or even tolerably, on both sides of a question; the learned gentleman, from his superior talents, had proved himself qualified to make which ever he thought proper to take up, the most respectable for the moment.

Mr. Francis, in the course of the latter part of his speech mentioned the Resolutions that had been moved by Mr. Dundas, as Chairman of the Secret Committee, and said, when they were received in India, his friends sent him word, that whoever had moved them, they imagined to be a man of firmness who would go through with the business. He added, that they likewise intimated, that they supposed he had drawn the Resolutions for Mr. Dundas to move.

Mr. *Powys* rose next; and began with declaring, that he did not mean to touch upon any of the local topics that had been gone into by the honourable
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gentleman who had just sat down; they certainly were fit to be spoken to by those, who, from having had a share in the transactions to which they alluded, must necessarily feel anxious that they should be rightly understood. Mr. Powys said, he wished to assign his reasons for voting with the gentlemen who had spoken against the present question, although he was free to declare, he approved of the present bill, and was ready to vote for it if no farther alteration or amendment could be obtained. Mr. Powys then stated, in a very candid way, what the parts of the bill were that gave him most satisfaction, and what others he thought might still be corrected. He said, he saw no clause obliging the Directors to obey the Board of Control. He also pointed out some other particulars worth a little farther discussion.

Mr. *Wrexall* rose to ask a few questions, which, he said, would not take up many minutes of the time of the House—First, he wished to know whether the Directors were or were not debarred by the bill from sending out *lieutenants and volunteers* in their marine, as well as cadets and writers in their military and civil service? The Company's marine in India he stated to be very large, and to contain a number of frigates and ships of war. The bill did not seem to take any cognizance of these, or to know that they existed. What then was the view and intent of the bill in that clause?—Secondly, In the High Court of Judicature to be erected, and to which powers so new to the Constitution were delegated; from which, likewise, there was no *appeal*
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to any other Court, could no *new trial* be granted in case of an iniquitous, severe, or unjust sentence? This, he said, was a very important point — He stated a case of a person who should have been severely and harshly treated, and should not he, he said, have a new trial allowed him? — Thirdly, he said, he was sorry to see the *sanction* and *legitimation* given by the bill to an institution, big, in his opinion, with pernicious consequences; he meant “the Supreme Court of Judicature at Calcutta.” He referred to the condemnation thrown on that Supreme Court by the Select and Secret Committees. He regretted that their opinions should be so much contradicted by the present bill. He mentioned Mr. Hastings’s able, judicious, and salutary conduct, in stopping the violent proceedings of that Supreme Court, which was on the very point of involving Bengal and all our dominions in every sort of anarchy, internal discord, and civil war. He admired the intire abolition of that Supreme Court — Lastly, he mentioned the very dangerous nature of introducing the word “Ireland.” He said, he was sure that the right honourable gentleman’s rectitude of intention, and enlargement of mind, would never induce him intentionally to do any thing which could excite alarm and disquietude. He adverted to the critical and delicate state of that country, and to the alarm in their minds, which it would be wise and judicious not to heighten or increase.

The *Solicitor General* rose to defend the Supreme Court of Judicature at Calcutta; declaring that, upon
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the whole, he was convinced the institution of that tribunal had been attended with beneficial consequences. Mr. Solicitor also answered Mr. Wraxall's question about Ireland, and assured him he might let his fears and his alarms subside, for the matter alluded to, viz. the sending over a power to examine witnesses, was a very common case, and what was practised every day, without any one's being so idle as to take offence at it. Having said this, he took notice of what Mr. Francis had said of the trial of Messrs. Stratton, Floyer, and Brooke, in the Court of King's Bench, on the subject of the imprisonment of Lord Pigot. Mr. Solicitor declared, he differed completely from the honourable gentleman, as to that trial. That it was in his mind an instance rather that a jury could err, than that the court had done wrong in passing so light a sentence. The evidence was so equally balanced, that he declared, had he been a jurymen, he should have been more puzzled than ever he was in his life, which way he ought to have decided how the verdict should go. With regard to the new Judicature and the complaints some gentlemen made, that it was not to be a trial by jury, he begged the House to recollect that it was not barely the being chosen by lot that made a jurymen and constituted his character; as essential a characteristic was his going into his box, and remaining there locked up till he had given a verdict; and the reason of this being deemed so important a part of the constitution of an English juror, was its keeping him a distinct member of society for the time, and

preserving his mind fixed to the merits of the case before him, and free from prejudice of any kind whatever. Now it did so happen, that in all human probability, the trials of offenders of a description that came within the purview of the clauses of the bill that went to the institution of the new tribunal, would, in ninety-nine out of a hundred, last more than one day, many perhaps more than a week, and some more than a month. Let gentlemen think, therefore, but for a moment on the nature of the case, and ask themselves if common jurymen, who though perfectly honest and respectable men, were nevertheless always chosen out of the mass of mankind, were fit to have such causes brought before them. A man, who might go into a common alehouse, pending a trial, and make a porter-club conversation of the evidence before him, surely was not a fit person to be the juror on such an important subject ; — the necessity of the case then proving such, that a new tribunal must be instituted, the question merely was, what sort of a court should be constituted ? The sort of court the bill authorised was, in his mind, that of all others the most respectable, most informed, and most to be relied on for candour, liberality, and justice.

Sir *George Howard* rose to answer the appeal to military men, that had been made by Mr. Francis, relative to the Commander in Chief in India superseding the Commander in Chief at either of the Presidencies of Madras or Bombay, whenever he happened to visit either of those places, and take his seat at the Council. Sir George said, it was, and always had been,

been, the uniform practice of the military for the superior officer to supersede his inferior, whenever he happened to come where an inferior officer was. Sir George declared he regarded the present as a most important bill; that he had the honour to have been a member of the Secret Committee, that he had turned his thoughts very attentively to the consideration of the subject, and should vote for the present bill, from a presumption that it was worth trying as an experiment, and would be productive of good consequences. With regard to the new Court of Judicature, Sir George reminded gentlemen of what had happened on a late attempt at parliamentary prosecution, and the disgraceful manner in which the House had been three or four times counted out, in order to shew the necessity for some new tribunal's being instituted; and he declared, he thought the sort of court the bill would authorise, every way adapted to the purpose.

Major *Scott* said—I am so thoroughly sensible of the very great indulgence which I have repeatedly experienced from the House, that I shall not presume to press myself farther upon your notice, than merely to make a few observations upon two or three of the clauses which have been mentioned by the honourable gentleman on the floor, (Mr. Francis) and which I conceive are strictly applicable to the present question.

The first clause which the honourable gentleman has remarked upon, is that which enjoins the Directors to fix a fair and equitable tribute to be paid in

future by the several Rajahs, Zemindars, and landholders in India. Sir, I most highly approve of the wise and humane spirit which breathes through this clause, as it now stands. But surely the honourable gentleman does not mean to say, that in no possible case shall we exact beyond a certain stipulated sum from the Zemindars or Rajahs in India. The honourable gentleman knows that remissions of rent are frequently granted, either from a dry season, or floods, or various other causes which may tend to diminish the annual crop, or to render the season unfavourable. By the constitution of that country, a war raging there, or any other public calamity befalling the Government, may justify it in demanding exactions beyond the stipulated rent of the land. The honourable gentleman has alluded to the case of Cheyt Sing; but he knows, that by the constitution of the Mogul empire, Cheyt Sing and his father, Bulwant Sing, not only paid the stipulated annual rent for their zemindary to their former Sovereign, Sujah Dowlah; but whenever his forces took the field, they either joined their quota of troops to his army, or they commuted the service by the payment of a sum of money. This was accurately stated in evidence to the Select Committee by Lieutenant-colonel Harpur, long before the revolution of Benares took place. When intelligence of the war in Europe was received at Bengal, the Supreme Council, of which the honourable gentleman was a worthy member, determined to increase their army by considerable levies, and they thought it equitable to impose upon Cheyt Sing his proportion

proportion of this additional expence. In this resolution the honourable gentleman concurred, and it was fixed at five lacks of rupees; nor was it then conceived, that this demand was not in strict conformity to the constitution of the Mogul empire. The demand was repeated the two following years, and enforced by military execution. Intelligence of this demand, and of the measures taken to enforce it, was regularly sent to the Court of Directors, and of course communicated to His Majesty's Ministers, without producing a word of disapprobation. To this demand, Sir, we may fairly attribute the revolution which subsequently happened at Benares—but though the Secret Committee, in their Sixth Report, did mention these transactions, in their general detail of the events which happened in Bengal, yet they did not seem to think the conduct of the Supreme Council to Cheyt Sing reprehensible, for they merely relate the facts in their Reports, and though the honourable gentleman has been able to quote some resolutions of censure against the Governor-general of Bengal, the additional demand upon Cheyt Sing, for the increased military establishment, neither excited the censure of the Secret Committee, the Court of Directors, nor the Legislature, until accounts were received of the arrest of the person of Cheyt Sing, and the subsequent events at Benares. What I beg again to repeat, Sir, is this, that it was to a resolution to which the honourable gentleman gave his assent, that we are to attribute the insurrection at Benares; that Cheyt Sing resisted a demand from our Government,

ment, which was made in strict compliance with the constitution of the Mogul empire, and he had complied with demands of a similar nature from Sujah Dowlah, his former Sovereign. I go along with the honourable gentleman completely, when he expresses his wish, that the rents and tributes paid to the Company should be fixed. I would by no means wish that the revenues should be collected with rigour or severity; and if they are now too high, remissions should undoubtedly be granted; but surely it will not be necessary that the Government in India should be so tied down, that under no possible case, they are to require a contribution of grain, cattle, or money, when their very existence in India may depend upon their procuring such aids.

The next clause the honourable gentleman has mentioned is relative to presents. They are now ordered to be abolished; and the only consequence that will follow, will be this, that the Company in Bengal will pay eight or nine thousand pounds a year more than they now do, under the head of Durbar charges. The honourable gentleman knows very well, that when he first arrived in Bengal, Mr. Hastings took the sense of the Board upon the subject. They directed, that as the executive officer of the Government, he should continue to receive those complimentary Nuzzers, and carry them to the Company's account, which he has invariably done, and they have been set against the expences incurred under the head of Durbar charges and secret service money.

Another

Another clause, which the honourable gentleman approves, and in which I heartily agree with him, is that which condemns all schemes of conquest and extension of dominion; and he has taken an opportunity of going pretty much at length into the Rohilla war, upon which I hope, with the indulgence of the House, to be permitted to say a few words. Sir, the Rohilla war was not Mr. Hastings's war—I say, the foundation of the Rohilla war was laid in measures which Mr. Hastings had no concern in, and disapproved, as the honourable gentleman will find, if he consults the records as carefully as I have done. Mr. Hastings's plan was that of peace and œconomy; but before he succeeded to the government, the Commander in Chief, Sir Robert Barker, had actually ordered the frontier brigade to march into Sujah Dowlah's country, to assist in repelling an invasion of the Marattas, and he was guarantee to a treaty concluded between Sujah Dowlah and the Rohillas, by which the latter were engaged to pay the former forty lacks of rupees, should the Marattas be driven out of their country, which they had then invaded, or had threatened to invade. Sir, it was this treaty which produced the Rohilla war. Our part of the engagement was faithfully performed. I was a Lieutenant upon the service—we marched from Dinapore, joined the army of the Vizier and the Rohillas, and drove the Marattas across the Ganges, and returned to Bengal, when the rains set in. In the course of this service, Sir Robert Barker wrote the following letter to Mr. Hastings and the Select Committee :

March

March 20, 1773.

“Tookajee Holkar crossed the Ganges, with an intent to seize and carry off the Rohilla Haffez Rhamut Cawn, who has been carrying on the same double dealings as heretofore practised by the treacherous sect.”

March 24, 1773.

“Yesterday I had a visit from Haffez Rhamut, and his Excellency the Vizier, when the situation of the affairs of the Rohilla were debated. The coming in of Haffez has assuaged his Excellency a good deal, and upon condition of the Rohillas immediately clearing off *the last year's treaty* of forty lacks of rupees, it has been determined to afford their families and country protection from the ravages of the Marattas, of which the Nabob is to pay the Company twenty lacks for the part they will take in his protection. But in the default of the fulfilling of the agreement by the Rohillas, his Excellency agrees to pay the sum of fifty lacks of rupees to the Company, for their aid in putting him in possession of the Rohilla districts, commonly known by the territories of Haffez Rhamut.”

These were the General's representations. The Rohillas refused to pay the forty lacks; they attempted to explain away that treaty of 1772, to which the General was guarantee, and the Rohilla war was the consequence. The honourable gentleman knows, that the Rohillas were not a nation originally inhabiting that country; they have not been forty years in possession of it, and the Hindoos, the
Aborigines

Aborigines of the country, have never been disturbed in their possessions. Here I must beg leave to set the honourable gentleman right in point of fact. He says, when he arrived in Bengal, we were engaged in a war with the Rohillas. This, Sir, I deny; the Rohilla peace was signed the 6th of October, 1774; and the honourable gentleman arrived the 18th. From that day to this we have not had an enemy in our provinces. And I again repeat, Sir, that the plan of Mr. Hastings was that of peace and oeconomy; that he disapproved originally of employing the Company's forces beyond the Carumnassa; but when it was unavoidable, from plans adopted before his arrival in Bengal, he fixed a subsidy which should defray the expence incurred, and he would not consent to keep an army in Oude, and to pay it, as had been the practice of five years, by the exportation of specie from Bengal. But admitting for a moment that Mr. Hastings was the author of the Rohilla war, is this a time for taking up the subject? Has not the noble Lord in the blue ribband proposed, and has not the Legislature of this kingdom three several times appointed Mr. Hastings to be the Governor General of Bengal, with full and complete knowledge of every circumstance attending that war. I only now therefore shall beg leave to add, that I perfectly agree with the honourable gentleman, that the true system for India is that of peace and oeconomy, and it is the system of the Governor General and Council.

The next point, and the last I shall presume to trouble the House upon, is the Maratta war; and I confess that I am perfectly astonished, when I hear gentlemen who have had complete information before them, impute that war to Mr. Hastings. I am sure I can appeal to the noble Lord in the blue ribband, who knows every step taken in India and in Europe which produced the war. The noble Lord must recollect the intelligence which was transmitted by Mr. Elliott (whose loss every person who had the happiness of knowing him most sincerely deploras) to Mr. Hastings and Sir John Clavering. The noble Lord must know, that with that information before Mr. Hastings, confirmed as it was by the appearance of Monsieur de St. Lubin at Poonah, who publicly delivered a letter to the Peishwa from the French King, and intelligence also from various other channels, it would have been criminal not to have acted. Sir, it was avowedly to counteract the designs formed by the French, that Mr. Hastings proposed originally to support Ragoba; and he was fully warranted to do so by the Company's orders, as the right honourable gentleman below (Mr. Dundas) very justly stated upon a former occasion. I beg to call to the recollection of the House what was the consequence of those measures, when they were known in England. The designs of marching a detachment, of counteracting the designs of the French at Poonah, and of supporting Ragoba, was known in England the latter end of July 1778. In the following month the Secret Committee of the Court of Directors, with
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the approbation of His Majesty's Ministers, signified to them by Lord Weymouth, transmitted orders to India, in which they say, that the conduct of their governments respecting the French had their fullest approbation. In a subsequent letter, the Directors expressed their approbation of the march of the Bengal detachment across the continent of India. With the full knowledge of these facts, knowing too that since they were public in England, the noble Lord has three several times proposed Mr. Hastings to be continued Governor General of Bengal, and the Legislature has three several times appointed him to that high office: I say, Sir, with a knowledge of these facts, how the noble Lord, or any other gentleman conversant in the affairs of India, can now blame Mr. Hastings for the part he took in the Maratta disputes, is to me most astonishing; it is still more so that any gentleman can say, who has read any thing which has been written on the subject, that Mr. Hastings was the author of the second Maratta war.

Mr. *Sheridan* rose, and remarked, that if gentlemen on either side of the House went from the question, and were only mindful of charging persons in India of peculation, and defending their own conduct, or proving that, although they had been delinquents, there were still greater than themselves, there would be no end to the business, and the House would refer the hearing to a new judicature, as well as their trial; therefore he hoped to hear no more deviations, but that gentlemen would stick to the question, and point

out their objections to the bill, and not to the persons that had been the occasion of its being made. He then noticed, that the bill had been so altered, so mangled, and so transformed, that it did not appear like the same bill. Indeed, it ought not to be called an alteration, but a total transformation, different both in object and principle to the former bill; and the silence of the two right honourable gentlemen (Pitt and Dundas) was to him proof that they saw the necessity of a recommitment; but if that was not, the very appearance in the first page of the new printed bill was; for there by the references, it was plain that twenty-one new clauses were added, which were to be known by the letters A B C D E F G H I K L M N O P Q R S T V W; therefore it was to be hoped some gentlemen would add three more clauses for X Y Z, to make the alphabet complete, which would then serve as a horn-book for the present Ministry. The old clauses left out were referred to, and known by being in black letter at the bottom of the column, where to be sure they stood in mourning for the folly of their parents, and pointed out the slovenly manner in which the bill was originally drawn, notwithstanding the right honourable gentleman (Sir G. Howard) in the red ribband, had praised it for its accuracy; accurate it could not be, when twenty-one new clauses were added, and the rest totally altered in the Committee. As a proof that it was necessary to recommit the bill for the honour of the House, he would convince them by reading a part of one of the clauses, wherein a dead person was
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to give an account how he came by certain papers : he then read, " that papers containing the accounts of their effects were to be sent to his Majesty in his Court of King's Bench, and under the seals of two or more Judges of the said Supreme Court ; and one or more of the Judges of the said Supreme Court shall deliver the same to the agent or agents of the party or parties requiring the same, which said agent or agents (or, in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the clerks in Court, of his Majesty's Court of King's Bench, in the public office, and make oath, that he received the same from the hands of one or more of the Judges of such Court in India ; or, if such agent be dead, in what manner the same came into his hands."

The honourable gentleman read a variety of other clauses, and pointed out wherein they were worded so as to be perfect nonsense ; and declared, that he never would assent to suffer the first principles of the Constitution to be violated to answer any expediency whatever : but probably the reason of instituting a new Court of Judicature was to give employment to the right honourable gentleman (Mr. Dundas) and some others, whose places, by their own accounts, were sinecures ; therefore it was on the principle that mothers did to their children, merely to keep them out of mischief ; if so, he had no objection, and made not the least doubt but strict justice would be done, as their integrity had been tried on other occasions. He particularly pointed out the absurdity
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of a clause relative to the Secret Council, and remarked, that the whole bill evidently appeared as if the two contending parties, the Crown and Company, had endeavoured to over-reach each other. The Company remonstrated against the first bill, because orders were to be transmitted to India without their consent, and insisted on the right of some of their Directors being acquainted with all matters before they were dispatched ; to please them, the right honourable gentleman had suffered them to have a Secret Committee of three Directors : but the Company were not a bit nearer ; for those three Directors were sworn not to divulge any thing done in council ; of course they must cut a ridiculous figure ; for they might be present at a Court of Directors, and see and hear measures carrying on, and regulations making, diametrically opposite to what they know had been determined on in council, and by their oaths were debarred from giving any other information than a nod or a wink across the table, or a grave shake of the head, to intimate they knew something which they dare not divulge. He then pointed out the clause that obliges the Company to transmit all papers to the Secretary of State and Council for their approbation previous to their being sent to India, and remarked on the difficulty that would accrue from the alterations made by each party : but what was curious, was the wording of the next clause to it, which began, “ For the better dispatch of business, &c. be it enacted, that in case of any alteration being made, the Company might be at liberty to send it
back

back again to be reconsidered ; and in case of their not meeting with redress, then they might be at liberty to refer to the King in Council," who, in fact, was the same tribunal they had appealed to twice before : surely that was a curious method of dispatch, to keep sending backwards and forwards a paper alternately, and which might never be approved.

He dwelt much on the rapacity and other improper conduct of Mr. Hastings being all forgiven in the present bill : but that, he said, was a matter which Mr. Hastings's India parliamentary interest, no doubt, insisted upon, and which a Minister, depending on such men, did not dare to refuse. He adverted to the new Court of Judicature, which took away from British subjects the trial by jury, and in so doing overturned the principle of the Constitution. Here he was remarkably severe on the Minister, who, under colour of saving the charters of a company of men that all the world allowed to have acted dishonestly, subverted the very foundation stone on which the great Magna Charta of their country was built, and did a deed which paved the direct road to the establishment of arbitrary power in all the dominions of Great Britain. This, he said, was modern popularity. He attacked the Minister for daring to say that this bill was acceptable in India. This he argued on two points : if it was agreeable to the delinquents, it certainly must be a bad bill ; and on that point the Minister could gain no credit. The fact, however, was not so ; and he was happy to inform the House, that the Minister mistated the
matter,

matter, when he said the bill was acceptable to the East. In arguments of this kind there was nothing so strong as evidence; and therefore against Mr. Pitt's *ipse dixit*, that this bill was universally liked all over India, where it seems its original principles and clauses were fabricated, he only referred the House to a truth, not to be contradicted, which lay upon the table: a petition from six hundred and forty-eight of the principal persons residing in Bengal, beseeching the House, by all that they held most dear, not to violate the Constitution, by so dreadful an act of Parliament, as one for taking away from British subjects the right of being tried by their peers. This pure spirit of rectifying the ancient chartered rights of the People would, no doubt, extend itself in time to every part of the English dominions, and trial by jury be taken away from all his Majesty's subjects in every part of the globe. Here the honourable gentleman called for the attention of the House, and they gave it to him. He said, the India phalanx, those Swiss guards of Eastern speculation, had openly declared that they would overthrow the last Administration, and by doing so, teach another how to value and respect their friendship; nay, these Eastern Lords went so far as to declare, that the depravity of this country was now arrived to such a pitch, that they could carry any point by money. After a variety of other arguments, all equally satirical, he concluded with a reliance on the candour of the Minister, that he would recommit the bill, that it might be divested of its slovenly drefs,

dress, and made conformable to common sense, even if the principles were to be divested of common justice. Mr. Sheridan spoke for near three hours.

Sir *George Howard* defended the bill.

Mr. *Grenville* said, he had listened with the greatest attention to the speech of the honourable member, (Mr. Sheridan) but though he had been highly entertained by it, he certainly had not heard a single argument to convince him that the bill ought to be re-committed; for though the honourable member had displayed great ability, and great ingenuity, in the course of his speech, he had proved only that two trifling alterations ought to be made in the wording of the bill; such, for instance, as that *from time to time* should be changed to *forthwith*, and *detained* should be altered to *continue*. But from this very circumstance, of there being only two very trifling alterations to be made, he was thoroughly satisfied that there was no necessity for sending the bill back to a Committee, when these alterations could so easily be made in the House. Indeed, from all that had fallen from the honourable gentleman, he could clearly perceive, that though he seemed to object principally to the clauses, yet, in fact, it was the principle that he had been combating all the time. He did not, therefore, feel himself disposed to re-commit the bill, when he saw very plainly, that what was chiefly in the view with gentlemen on the other side of the House, was not to amend, to alter, or modify it, but absolutely to reject and destroy it.

Lord *North* declared he was very much surprised to hear the right honourable member say, that the honourable gentleman near him had proved, during his whole speech, nothing more than that two alterations, in the wording of two clauses, ought to be admitted; for his part, he thought he was bound to declare, in justice to the honourable member, that he had used the most convincing arguments to prove that the bill ought to be re-committed. It would not have been any great wonder, if, from the infirmity usually ascribed to him (Lord North) he had sunk under the heat of the weather and fallen asleep. He was too short sighted to be able to see whether those on the bench opposite to him had been asleep or awake; but he most assuredly would take it for granted, that the right honourable gentleman must have been asleep while the honourable member (Mr. Sheridan) was speaking, or he never would have ventured to assert, that no arguments had been used to prove the necessity of re-committing the bill. He did not mean to take up the time of the House many minutes, and therefore he would not make any remarks on the particular clauses which the honourable gentleman had already touched upon with so much ability. He confessed, that in arguing for the re-commitment of a bill, the principle of which he so very much disliked, he stood in rather an awkward situation; and the more so, as he would candidly confess, that let ever so many alterations be made in the bill, unless the principle from beginning to the end should be given up, it never should have

have his support. However, though he should rejoice at the rejection of it, still, if he should not be able to persuade the House to throw it out, he felt it to be a duty incumbent on him, and no ways inconsistent with the opposition to the bill, to do every thing in his power to remove it from imperfection as far as he could, and to make it as beneficial as the gentlemen on the other side of the House would let him. With this view, then, and with this view only, he wished it were re-committed: it went a bad bill into the Committee, and it came a worse one out of it; he was desirous, therefore, of having an opportunity of making it less imperfect than it was in its present shape. He lamented very much, that the restrictions which the bill in its original form laid upon the East-India Company had been removed: in its present shape, it gave not to the executive Government of the country a greater power than it enjoys at this moment to superintend and control the affairs of the Company; except, therefore, the clashing of jurisdictions which the bill would establish, and the seeds of division which it would sow, it would make little or no alteration in the controlling power over the Company's affairs which the Secretary of State was vested with at that moment. But in thus generally condemning the bill, he did not mean to say there were not some good clauses in it; in his opinion there certainly were; but they required in some places elucidation, in others modification, and therefore the bill ought to be re-committed. He said, that the vesting the control in a Board of Commissioners

was certainly better than leaving it in the hands of the Secretary of State; the former, by having no other business to attend to, but that of India, would of course be able to do their duty better than a Secretary of State, who, having a multiplicity of other business to engage his attention, could not bestow so much time on the affairs of India as their importance would naturally call for: but still he thought the clauses relative to the Commissioners were very imperfectly drawn: and first, with respect to the President of the Board; in the absence of the Secretary of State, who could not be a very constant attendant; and in the absence of the Chancellor of the Exchequer, who could attend but seldom; in such cases the bill said the senior Privy Counsellor should preside: now, as it was not seniority that ought to be deemed the best qualification for the chair of that Board, so he thought that the name of the ablest of the Commissioners should be put in the commission immediately after those of the Secretary of State and the Chancellor of the Exchequer; and that the person so named after these officers of the state, should in their absence preside at the Board. Every man knew who the Privy Counsellor at the Board would be in the first commission, (Mr. Dundas) and every man bore testimony to his abilities: but every future senior Privy Counsellor at that Board might not be equally able; and therefore he was of opinion, that the inconvenience that might arise from such a circumstance ought to be obviated in the clause.

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There was another thing which ought to be better explained. As the bill then stood, no member of the Lower House was to be laid under the necessity of vacating his seat, if appointed a member of the Board of Control : this might be very proper as long as the Commissioners should remain without salaries ; but as the Crown was not bound to salaries in future, so it would be very proper to insert a clause for obliging the Commissioners to vacate their seats in that House, if ever their places should have salaries and emoluments annexed to them. These were reasons which weighed very much with him for re-committing the bill. He did not, however, expect that the House would pay much attention to his wishes ; nay, he did not expect that much attention would be paid to the wishes of the gentlemen who sat on his side of the house : unlike the East-India Directors, they were not able to overturn an Administration : unlike these same Directors, they were not able to make another Ministry recede from their own plan, and give up their own original system ; and therefore, in opposition to such formidable men, he foresaw that he should not prevail in endeavouring to get the bill re-committed ; and yet there was one very strong argument for re-commitment, which he had not yet urged, and which ought to have weight with men of unbiassed judgement. The bill was in a great measure a new bill, and a long string of clauses had been tacked to it at a time when there were not many more than a dozen members in the
house ;

house; and those clauses related principally to the establishment of a tribunal, which was to wrest from Englishmen what was their inalienable and dearest birth-right, the *trial by jury*; if he had no other objection to the bill, this alone would be sufficient to make him declare war against it; for no bill should ever be supported with his vote, by which the trial by jury was to be taken away from those who claimed it as their birth-right. But, exclusive of this, he had other radical objections to the bill then under consideration. The very grounds on which it was built were these—that the servants of the Company abroad had disobeyed the orders from home; and that the Directors had not sufficient powers to enforce obedience: and yet the very servants who were supposed to have been most disobedient, were not to be called to an account; and the Directors, instead of being armed with new powers, or made subject themselves to strong powers, were to be left just as they were before; and he would venture to say, that the orders from home would, in future, be very little more attended to than they had been hitherto. For his part, he sincerely lamented that some more effectual system was not adopted for the government of India: one Administration had been overturned (perhaps justly) in attempting to lay the foundation of an active and effective government of the territorial possessions: the succeeding Ministers seemed to be afraid to undertake so great a work; and yet the circumstances of the times would warrant such an undertaking

king by them. There seemed to be a strong disposition in the three branches of the Legislature to support the present Ministers: he would be candid enough to own, that the popular voice was strong in their favour; this therefore was surely the best time for them to lay the foundation of a system which should secure at once the happiness both of the natives of India and of Great Britain. He was sorry to say that the bill before the House was far from being likely to produce any such effects; and he thought he might venture to foretel, that the commands from home would not be better obeyed after the passing of this bill than at present. Having said this much about the bill, he begged leave to take notice of something that had fallen from an honourable member on the other side of the house (Major Scott.) From that gentleman he had learned what he never dreamt of before, that he (Lord North) had been the cause of the Maratta war; and on that occasion the honourable gentleman had lamented the death of a most respectable, and, at the same time, one of the most promising young men this country had ever produced; he meant Mr. Elliott, who, according to the honourable member, had carried out orders from him (Lord North) to the Governor General of Bengal, to commence hostilities against the Marattas. The honourable gentleman's lamentation of the death of Mr. Elliott was certainly very generous; it was magnanimous in him to wish Mr. Elliott were alive; for if any man should say that Mr. Elliott carried out
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any orders from Government to Mr. Hastings, to make war upon the Marattas, Mr. Elliott was precisely the man who could with equal truth and propriety declare that such an assertion was unfounded. In fact, Mr. Elliott never carried out any orders from Government for making war upon the Marattas. Lord North appealed to an honourable member near him (Mr. Francis) to say, whether, while he sat at the Board of the Supreme Council at Calcutta, Mr. Elliott had carried out and delivered any such orders? [*Mr. Francis in a low voice answered in the negative.*] Lord North then proceeded: he said it would have been a singular circumstance indeed, that the Governor General should have received orders of so important a nature as those pretended ones to begin the Maratta war, and that he should not have communicated them to the Council. — He said it was singular indeed that the Governor General should have communicated these orders to the honourable gentleman, to whom he was under no necessity of disclosing them, and that he should have concealed them from the Council, to whom he was in duty bound to communicate them. [*Here his Lordship was interrupted by some members, who whispered to him that Major Scott had said the Governor General had communicated the information to the Council.*] His Lordship, upon this, immediately appealed to Mr. Francis, to know if that was a fact; and this gentleman declared it was not, for he had never seen any such orders while he was in Bengal. The noble Lord then
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left the House to judge on which side lay the truth: one gentleman who could not, of his own knowledge, say, that the orders had not been read in Council, had ventured to assert it, on the assurance he had received from the Governor General: another gentleman, who was one of those to whom they must have been communicated, had they been read in Council, declared he had never heard any such orders read; and in fact no such orders could have been read, because no such orders had ever been sent out.

Major *Scott* rose to explain. He said, If the noble Lord had done me the honour to attend to what I took the liberty to observe, he would have known that I never said Mr. Elliott carried out orders from the noble Lord, or from any other person, to commence the Maratta war; nor, Sir, did I say a syllable of any private communication from Mr. Elliott to me, or to Mr. Hastings. My authority is the Appendix to the Sixth Report of the Select Committee. It appears there that Mr. Elliott did communicate to the Governor General and Council, intelligence of a most important nature relative to the designs of the French in India, which had been communicated to him by very high authority at Paris. If I was at liberty, which I do not think I am, to mention from what channel Mr. Elliott received the information, I am sure the House would think it extraordinary if Mr. Hastings had treated it slightly. And this, Sir, came to my knowledge since my return to England; but the intelligence brought to Bengal by Mr. Elliott

was very particular, and actually confirmed by the appearance of a Minister from the King of France at Poonah, who delivered his credentials and presents from the French King in full Durbar to the Peishwa. Any gentleman who reads the Appendix to the Secret Committee, will be convinced, that what I have stated is truly matter of fact; but the point to which I particularly wished to call the attention of the noble Lord and the House is this: — that as soon as Mr. Hastings had formed his design of marching a detachment across the continent of India, it was communicated to the Court of Directors, and to the noble Lord, together with the motives which actuated him to adopt the measure. The noble Lord will find, that very particular stress was laid upon the important intelligence brought from Paris by Mr. Elliott. I beg the noble Lord and the House will recollect that the measure was approved in England, and that with full knowledge of the steps which produced the second Maratta war, so far as Mr. Hastings was concerned in it. The noble Lord did three several times, that is, in 1779, 1780, and 1781, propose, that Mr. Hastings should be continued the Governor General of Bengal; and it is for these reasons, Sir, that I expressed my astonishment at the noble Lord's having attributed the second Maratta war to Mr. Hastings, because, Sir, I scarcely can conceive, the noble Lord would have continued Mr. Hastings at the head of the government of Bengal, if he had believed, that from motives of ambition, or a desire of conquest, he had involved

volved the East-India Company in a war with the Marattas.

The intelligence communicated by Mr. Elliott to the Governor General and Council, and quoted by Major Scott, is entered in the Appendix, No. 41, to the Sixth Report of the Secret Committee.

Bengal Consultation, 6th April, 1778.

Mr. Hastings, after having quoted a variety of letters from different parts of India, relative to the designs of the French, then enters the following extract from Mr. Elliott's letter to the Supreme Council, dated the 1st of October, 1777 :

“ Having been fortunate enough to obtain some intelligence before I left Europe, in which the interest of the East-India Company, and influence of Great Britain in India appear to be deeply interested, I think it incumbent on me to take the earliest opportunity of Communicating it to your honourable Board ; I am concerned at the same time to be under the necessity of laying the facts only before you, without having it in my power to point out the channel through which the intelligence was conveyed to me, as my promise was most particularly taken before I was myself intrusted with it, that I should conceal the names of the persons from whom I received the information — It was not without some difficulty that I obtained permission to inform the Governor General and Sir John Clavering, of this material circumstance, and that only upon condition, that they should not trust it to the Records of the Company, however secret they might be. The opinions which

those gentlemen must form, as to the authenticity of the facts which I now propose myself the honour of laying before you, will be a sufficient justification of me for addressing this letter to you.

“ It appears by the information to which I allude, that *Monf. Sartine*, *Ministre de la Marine* of France, has concerted with three or four of the principal Ministers of that country, a scheme, the object of which is, the total overthrow of the English interests in India; that he was sensible the force which France could herself bring against our settlements would prove insufficient for so great an undertaking, and had therefore thought it necessary, for the completion of his views, to begin, by intriguing with the country powers, and by endeavouring to secure them in the interests of France in opposition to those of Britain; that for this purpose, he was resolved to send a person to India with full powers, in the character of agent; and likewise to send out persons who, in the information, are called *Des Exerceurs*, to discipline the natives of India, and a considerable quantity of arms and military stores. The person who was nominated to this office, was described to me as one who had before been in India. He is furnished with letters from the Court of France to all the country powers of any note in India, to be used at his own discretion. He likewise carries out presents of considerable value, which he is to distribute as he may judge necessary. The substance of his instructions is as follows—To treat with such of the country powers as he may have reason to think will most readily assist
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the views of France, and to form alliances with them in the name of the King of France; to endeavour to persuade the country powers to fall upon the English settlements; and he is authorised to promise such as will accede to his proposal, the warmest support of his nation secretly, *till hostilities are actually commenced, and then openly,*" &c. &c. &c.

Upon this letter, and information from Poonah, corroborating every part of it, Mr. Hastings says, "The same circumstances brought from Europe, and traced in the capital of the Maratta empire, upon the same subject, must be facts"—The authenticity of Mr. Elliott's information does not, however, singly depend even upon this strong ground: he takes upon him in his letter to pronounce it to be authentic; and he has communicated to me, as he would have done to Sir John Clavering, had he been alive, which Mr. Elliott thought he was when he drew up the letter, the grounds upon which he makes the declaration; *and I now declare, that he has not, in the smallest degree, stated the authenticity of his information more forcibly than he is warranted from the nature of it.*

Mr. Martin said, that as he very rarely agreed in opinion with the noble Lord, so whenever it happened that he did, he found himself under an agreeable surprise. The noble Lord seemed as if he wished to apologise to the House, that his usual infirmity had not on this night thrown him into a sleep. For his part, he wished most sincerely that the noble Lord had been asleep since the day he was born. On this

this occasion, however, he was of opinion with his Lordship, that the bill ought to be re-committed; and unless it was that Ministers wished to hurry business through, merely that the Parliament might rise a week sooner, he could see no reason for their refusing to re-commit the bill. A great many alterations had been made in it, which required consideration; and he was one of thirteen members who stood round the table, when the alphabet of clauses so humorously alluded to by an honourable Member had been *introduced*; had he said *brought up*, he should have told an egregious falsehood; and a still greater, had he said, there had been *three lines* of any *one* of them *read* by the Chairman; in his opinion, therefore, it would be indecent to hurry the bill through the House in so slovenly and irregular a manner. He said he was a friend to the bill; but still he did not like to see it indecently hurried through the House.

Mr. Chancellor *Pitt* said he had not, in the beginning of the debate, any intention to bear a part in it; but he now thought it necessary to trouble the House with a few words; and though he should be thought by the noble Lord to have been napping, while the honourable member was stating his objections to the bill, he must agree with his right honourable friend (Mr. Grenville) that he had not heard a single reason from the honourable gentleman for re-committing it: the honourable member had indeed entertained the House with marginal epigrams, and observations calculated to turn the bill into ridicule, but in reality he had not assigned one
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strong ground in favour of a re-commitment. There were indeed a number of literal inaccuracies; and perhaps grammatical errors; but surely that was no reason for re-committing the bill; for these errors could be easily rectified by the House: for his part, he was not surprised to find inaccuracies in it; he was surprised only because he found so few; but had they been more in number, that would not have been a reason for re-committing the bill. But he would ask the House what was likely to be gained by a re-commitment? The honourable gentleman and some of his friends had acted the curious and preposterous part of debating the *clauses* before the bill was sent to the Committee; and of afterwards debating the *principle*, when the *clauses* only were under consideration. The honourable gentleman himself had this day been in fact debating the principle, though by ingeniously criticising words, he seemed to be debating only the clauses. It was clear, therefore, that nothing would be gained by a re-commitment, as the principle, and not the regulations, would be made the subject of debate in the Committee; if he was sure of gaining a single vote by gratifying the other side of the House, he would not oppose their wish on this occasion; but he apprehended it was only for the purpose of delay that a re-commitment was called for, in order to afford an opportunity to *somebody*, who for some days past had not attended in the House, and who had this day thought proper to oppose the bill *by proxy*. (Mr. Fox was not then in the House.) The noble Lord indeed
had

had spoken in a fair, open, candid, and manly way; he had declared, that he would be an enemy to the bill, whatever alterations it should undergo, as long as it retained the principle on which it was founded. But what was this principle to which the noble Lord declared himself the sworn enemy? It was simply this: that the East-India Company was not to be annihilated; that its rights were not to be respected; and that no encroachment was to be made upon them, which was not called for by absolute necessity. He did not indeed wonder that a bill which contained such a principle, should not meet the approbation of a noble Lord, who was a member of that Administration which brought in that sweeping bill that was to have deprived every limb of the Company of its functions; in a word, that was to have annihilated the Company. An honourable member disliked the bill, because the Directors were to be left at liberty to remonstrate with the Controlling Board. Strange! that men should be angry that a right was reserved to a body of men to deliberate upon their own affairs; to reason with the Commissioners, to remonstrate with them on points which should nearly concern their dearest interests. But if it was a bad principle to preserve to the Company this right, of which they could not be deprived without a violation of natural justice, he should ever rejoice that he could not bring himself to give it up. In this bill there were two parties, whose rights and interests were to be considered, managed, and made compatible with each: to another bill

bill also there had been two parties, the Company and the Ministry; but so far was it from being in the contemplation of the late servants of the Crown to manage the interests of both, that the Ministers were to have built their own greatness on the ruins of the Company; the latter was to have been totally destroyed, in order that Ministers should be powerful and independent of every power in the kingdom. The noble Lord had said, that the wishes of the Directors prevailed much stronger with the present Ministers than the wishes of a considerable number of the members of that House: perhaps the assertion was well founded; but it was no difficult matter to account for the preference given to one body over the other: the Directors were deeply interested in the regulations of the bill; they had a great stake in the business; and they had assigned very good reasons for the alterations they had prayed for and obtained: but it was not so with the gentlemen on the opposite side of the House; they called for a delay, not for the purpose of amending a bill which in general met their approbation, but for the purpose of gaining time, in hopes that they might be able to defeat it.

They wished to speak to any thing rather than to the bill; and therefore they introduced a conversation about the Maratta war; and the noble Lord had amused the House, and made the members laugh heartily, by using the comical names of the Princes of India. But should he be inclined to accede to a proposition for re-committing the bill, he was not

sure that he should have the assistance of the noble Lord; for if a day or two hence the weather should prove a little warmer, the noble Lord's infirmity might possibly return upon him, and he might perchance sleep the whole time the bill should be in that Committee, to which he was desirous it should be sent. He was therefore of opinion, that as all the necessary alterations might easily be made in the House, and that sending the bill back again to the Committee would not be attended with any advantage to it; he was for having the amendments read, and agreed to without a re-commitment. Before he sat down, he begged leave to say a word to an honourable member, who, though a friend to the bill, wished it might be re-committed. That honourable member had said, that many clauses had been put into the bill, when there were only a few members in the House; and when those who were present heard as little of them as those who were absent: that might be very true; but the honourable gentleman should recollect that though the *words* of the clauses might not have been heard, still the *principles* of them had been debated for five hours together.

The question was at last put on the motion for reading the amendments, which was carried without a division.

Mr. *Sheridan* then said, that as the House had determined not to send the bill back to the Committee, he could not now proceed to those alterations which he would have thought it his duty to have offered, if it had been re-committed: he declared his object

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was not to gain time; but in reality to move such amendments as to him appeared absolutely necessary. The right honourable gentleman had said, that the East-India Company had assigned good reasons for the alterations that they had required: he made no doubt but they must have assigned very *convincing* reasons indeed to make the right honourable gentleman give up almost the entire principle of his bill, and bring it out of the Committee as different from what it was when it was committed, as an effectual differed from an ineffectual control; indeed the right honourable member was in the right for saying that he had had good reasons for the alterations: he had only to look about him and he might see himself surrounded with reasons strong enough in all conscience to make him stand well with persons who had overturned the Administration, and were powerful enough to make their successors feel they were mere creatures of their own hands, which, as they set them up, might pull down again; it was therefore very prudent and politic in the right honourable member to call the bill brought in by his right honourable friend a bill for establishing a system of plunder and despotism; such hard words would please the Committee beyond description; and secure to the right honourable member their support, and consequently his present situation.

Lord North observed, that as the House had determined to go on with the amendments this night, he might possibly trouble them at four o'clock in the morning (it was at this time about eleven) with

a few motions for amendments : if he was inclined to give unnecessary trouble, he had it still in his power to prevent the right honourable gentleman from carrying his bill through this night ; for first, as there were about 102 amended clauses in it, he could first decide upon the amendment in each clause, and then upon the whole clauses so amended ; and he fancied that by the time he should have divided the House 204 times, gentlemen would be rather tired of the business ; and after all those divisions, he had still 24 new clauses to debate upon : however, he desired gentlemen would not be alarmed ; for he certainly would not divide the House on all the amendments ; he mentioned the circumstance rather to shew what he might do if he was inclined. But before he should sit down, he begged leave to tell the House a short story, which would make them feel the absurdity of the arguments drawn from the supposed desire of the East-India Company, that the alterations that had been made in the bill, should take place. During the war before the last, a Dr. Henesly was indicted for high treason, being charged with having adhered to the King's enemies, by sending them intelligence during the war. The Doctor was convicted ; but before judgement was pronounced, he implored the court to grant him a few weeks to live, in order that he might settle some wordly affairs, and afterwards prepare for eternity. The court lending a favourable ear to the Doctor's prayer, asked the Attorney General, on what day he wished to have judgement executed. The Attorney General, willing

to accommodate the Doctor, replied, *on whatever day should be most agreeable to the Doctor.* Dr. Henesy, of course, named a distant day. His Lordship was obliged to stop for some time, while the House was in a laugh at his story. He then made the application. The Directors of the East-India Company, he said, saw very clearly that the day was not far distant when their power over the Executive Government of India must have an end, by the interposition of the Legislature: they however threw as many obstacles as possible in the way, in order to put off that disagreeable event to as remote a day as possible: it was very natural then that with this object in view, they should beg of the Minister to give way for the present; like Dr. Henesy they called for a long day; the Minister, as complaisant as the Attorney General, in the Doctor's case, replied, *Gentlemen, name your own day; your power shall die on the day that it will be most agreeable to you to lose it.*—The Company thus carried their point; and were thus to enjoy their forfeited power, (and which had been forfeited only because it had been abused) just as long as they should please to keep it.—The House then spent some tedious hours, in going through the various amendments; after which they adjourned.

July 28.

Mr. Burke said, he rose to give notice of a motion, which, if he could not make then, he would make the first opportunity that offered. He observed, that the House had gone through a bill for the regulation
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of the East-India Company's affairs, to which bill there was no preamble, although the bill was full of enacting clauses, each of which presumed some existing evil, and which evil consequently ought to have been premised. He said, he rather wondered at this, since the House were in possession of a fund of information, the work of elaborate research, and studious investigation of Committees acting under their immediate authority. The Reports of those Committees were, it was true, under an ill report at present; and it was that circumstance, and the other circumstance of a bill contradicting essentially the facts stated in both those Reports, that had brought him down that day. It was no light matter to have Reports that had cost such infinite pains, and taken up so much time to form, done away and thrown into contempt without investigation, without a serious discussion, and without its being established in some way or other, that they deserved to be treated as fabulous, light and trivial. Let them be put to their purgation, let the facts they contained be examined, and then let their fate be decided! Which way he cared not. But while they remained serious documents of facts, uncontradicted and unanswered, he could not bear to hear them compared to Robinson Crusoe, and talked of as matters wholly unworthy of notice. That they were not equal to Robinson Crusoe in fancy and imagination, he was perfectly aware, but they they had somewhat more authority to rest upon than that history, he should, with all due humility and deference to the exalted station of those who thought

thought otherwise, presume to insist upon, till the reverse was established. This was, Mr. Burke said, an age remarkable for its good humour, its complaisance, and its accommodating temper; perhaps these amiable and engaging qualities never shone with more distinguished lustre than they had lately shone in a right honourable and learned gentleman opposite to him, the author of six handsome volumes in folio. He had proved himself able to defeat the wisdom of Solomon, even in the extraordinary trial scene which that wise ruler had caused to be acted before him; he had seen his child held up, and the drawn symetar, or if the learned gentleman would understand him better, he would say, in plain English, the drawn broad sword, held up to divide it without moving a muscle, or exhibiting the smallest emotion. Not so with him: the spectacle was too much for his feelings; he could not bear the horrid sight; but when the executioner had held his infant in the air, and was preparing to divide the body, from the nape of the neck to the end of the chine, he had intercepted his arm and cried, "stop your flagitious hand! fell tyrant, stay! I am his parent! the child is mine and innocent!"

"Adsum qui feci, in me convertite ferrum!"

Mr. Burke pursued this allusion with great force of effect, and sat down after a variety of fanciful and picturesque remarks on the contrast between his feelings and those of Mr. Dundas, who, he said, was a parent as well as himself in regard to the two sets of
Reports,

Reports, though his were of more ignoble origin ; the parent mother being of humble birth herself, had borne the more numerous offspring ; while the right honourable and learned gentleman, like the lioness, who being the royal beast, bears but one whelp at a time, had produced a lesser brood, but of a bolder stamp and somewhat more vigorous constitution.

At eleven o'clock at night the order of the day was called, for the third reading of the India bill.

Mr. *Burke* rose : he said, that before the House proceeded to read the order of the day for the third reading of the East-India bill, he begged leave to submit a few observations to their consideration : at so late an hour as eleven o'clock, he did not mean to go at large into the merits of the bill ; but he could not help saying that it was very singular it should contain no preamble, on which the necessity and principle of the bill were founded. A former bill which his right honourable friend had brought in, contained a long preamble, a narrative of the principal grounds on which it was founded ; but the present bill seemed to set at defiance the voluminous Reports that the labours and industry of several gentlemen had produced ; for it was framed in a manner that must convince every thinking man that no credit whatever was given to these Reports. Of the bill, he must say, that if it was meant as a remedy, no mention was made in it of a defect which was to be remedied by it ; and therefore no one could say whether it was an adequate remedy or not : if, on the other hand, it was admitted, that such evils as had been pointed

pointed out in the Reports really existed, the bill contained no remedy at all ; on the contrary, it confirmed all the causes of the calamities of India. The Reports accused the Company's servants abroad, and the Directors at home : the former of rapacity and disobedience of orders ; the latter of countenancing the misconduct of these servants, by suffering them to disobey and plunder with impunity : the Reports pointed out the necessity of removing and recalling those disobedient servants ; the bill went to confirm them in their government : the Reports stated, that the government of the Company at home was weak and impolitic ; the new bill left the government in the same hands.—It was impossible that all this should have been done, unless the Minister in the House of Commons had been of opinion with a great law Lord in another place, that these Reports of the Select Committee, and Committee of Secrecy, were mere fables.—For his part, he was ready to declare, that if they were filled with falsehoods, they were bold and daring calumnies ; and he himself was a bold calumniator of characters, that deserved the greatest praise. He wished to have an opportunity to determine this fact, whether the Reports spoke truth, or were infamous libels on the characters of innocent men : those who thought them libels would rejoice at proving it to the world ; and therefore they would not refuse the trial they now called for ; he was ready to maintain the truth of these Reports ; and if he failed in any one part, he would consent to be thought the greatest calumniator in the world. All he wanted

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was to have the truth or falsehood of the charges in the Report fully ascertained; those who would oppose the investigation, would justly be deemed desirous of avoiding a discussion, which by proving that the Reports were founded in undeniable facts, would demonstrate the futility of the present bill, which so far from providing a cure for any evil, was calculated to confirm and make perpetual the calamities under which the unhappy natives of India actually groan. The Reports consisted not merely of charges unsupported by evidence; for every charge there was a voucher, taken from the Company's own records, which nothing could controvert. He was not surprised that Reports of the last Parliament should be disregarded by the present; but he was truly astonished that the result of enquiries undertaken at the express desire of His Majesty in his speech from the throne, two years ago, should be treated with so much disrespect by those who held in high veneration every thing that in any degree related to Majesty. He was not less astonished to hear that a learned gentleman, who had been President of the Secresy Committee, had, with the most philosophic composure, heard his labours reviled; and those very Reports, which did the very learned gentleman so much honour, treated as fables and unfounded charges. He was surprised to find that the same learned gentleman, who had himself moved for the recal of Mr. Hastings, had since declared in full Parliament, that this very man, whom he would have recalled as the cause of the calamities of India, had many virtues.

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The private virtues of a public man were not fit subjects for discussion: it was not of any consequence that Mr. Hastings was a good father, husband, son, or brother; but it was of great importance that he should be a good Governor: and if he was a bad one, it was not the domestic virtue of the *man* that ought to shield from punishment the plundering and exterminating *Governor*. He was ready now to go into the proofs of all the charges contained in the Reports against Mr. Hastings; all he looked for was an opportunity to maintain them in the face of the House and of the world: those who would shrink from the enquiry, would shew that they were afraid to touch upon a subject that would demonstrate the absurdity of a bill, which left in the hands of men both in India and England, a power which they had hitherto most shamefully abused, to the disgrace of this country, the ruin of the Company, and the plundering of the unhappy natives of Hindostan. The learned gentleman would, perhaps, be afraid to find refuted his assertion, that Mr. Hastings had been wrong only in breaking the treaty of Poorunder. The House would judge between him, who wanted nothing more than to have an opportunity to go into the proofs of every charge contained in the Reports, and those who should shun and avoid enquiry. He then made some remarks on that part of the new bill, which relates to the establishment of the Court of Judicature, for the trial of East-India delinquents. He observed, that there was an obscurity on the very face of it: first, the very idea of a Judicature must

be founded on the commission of crimes in India ; and yet, as the bill was prospective, and not retrospective, those persons who had been the delinquents were not to be brought to trial ; nay, they were to be continued in the exercise of that power, which they had hitherto used only to plunder and exterminate the people. By this bill, the ancient inquisitorial powers of the House of Commons were taken away, their right to order prosecutions annihilated, whilst at the same time they were to be vested with judicial powers, unknown to the Constitution of the House of Commons. They could no longer order the Attorney General to prosecute an East-India delinquent ; they must now wait until the King's Bench shall order the prosecution ; and then they must become what the Constitution never intended they should be, judges of the law and of the fact. He concluded by moving, that the House would on Monday next resolve itself into a Committee, to enquire into the facts contained in the Reports relative to the misgovernment of India.

Mr. *Dundas* said, the honourable member not having been in the House, when he had spoken of Mr. *Hastings*, had been grossly misinformed with respect to what he had said of that gentleman ; he never said of him that he had many virtues ; it was of little consequence to the Public what were his private virtues : what he had said of him was, that he was a mixt character, in which much good and much bad was to be found. He never said that he was wrong only in breaking the treaty of *Poorunder* ;
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for he certainly was to blame for many other things : but the man who could not see the features of a great Statesman in the negotiations for the late peace, must shut his eyes to truth and to conviction. As to the bill, which the honourable member had so much blamed, he thought it would be productive of the most salutary consequences ; and he was sure he did not innovate upon the Constitution, in making the House of Commons exercise judicial powers ; for it had always been in the practice of using such powers, and very lately in the case of Sir Thomas Rumbold. He concluded with moving the order of the day.

Mr. *Burke* wished the learned gentleman joy of the mixed character, under the favour of which he was endeavouring to make a retreat. For his part he would not build a golden bridge to facilitate the escape ; on the contrary, he would hiss at, and revile an enemy who could think of making a retreat. He wished the learned gentleman would be so obliging as to mention some of the actions of Mr. Hastings, in which he could discover good ; and probably he would be able to attach guilt upon these very actions which the learned gentleman would extol as proofs of merit. Would he say the merits of Mr. Hastings consisted in the extermination of the Rohillas, where that humane Governor spared neither man, woman, nor child ; where the heads of the unfortunate men were torn from their bodies, while the famished women were crawling through the British camp, to implore the comfort of a little rice ? And when the humanity of Colonel Chapman revolted at the horror
of

of such spectacles, and would have relieved them, the *generous, tender-hearted* Mr. Hastings blamed him for his sensibility? Did the goodness of the Governor General consist in his treatment of Cheyt Sing, of the mother of that Prince, or of the other princely matrons, the most illustrious of Asia? Did it consist in the destruction of the country of Benares, one of the loveliest spots in the universe; where, according to the testimony of the officer who commanded in chief, and who was ready to declare it at the bar of the House, could not find an *uncultivated* spot large enough for a single battalion to encamp on, so great was the cultivation and fertility of the country; a country which now lay one entire waste? Did his goodness consist in the extermination of the Rohillas, whose country he had left a wilderness, without inhabitants or cultivation, after having been such a continued garden, that the commanding officer used to march his men in *single files*, for want of sufficient path or uncultivated land, broad enough to march a greater number in front? As to the Judicature, he maintained that it was a complete innovation on the Constitution of the House of Commons; for though in its sovereign and legislative capacity, in conjunction with the other two branches, it had frequently passed Bills of Pains and Penalties, still these were acts of sovereign power; and not dispensations of judgment, or expounding of law. He made no doubt but what had been said in former debates was true, that the persons who were the causes of the erection of such a tribunal, would rejoice in its establishment:

blishment: every criminal would rejoice at an institution, from the sword of whose justice he himself was to be secured. The daring highway robber in Newgate would have no objection to the erection of a judicature, which was not to inquire into his past offences: the insinuating pick-pocket would rejoice in the same circumstance, and the plundering house-breaker would hug himself on the prospect of escaping under such a tribunal. Here he broke out into the following apostrophe, "Forgive me, O Newgate, if I have thus dishonoured your inhabitants by an odious comparison: your highwayman, who may have robbed one person on the highway, ought not to be compared to him who has plundered millions, and made them feel all the calamities of famine. The murderer, who may have deprived an individual of his life, would be disgraced by a comparison with him who has exterminated the inhabitants of whole kingdoms. The house-breaker is a harmless creature when compared to him who has destroyed the habitations of millions, and left whole provinces without a house."

He concluded by saying, that he had no personal cause of dislike to Mr. Hastings, he felt no prejudice against him: on the contrary, when he sat in the Select Committee, he felt a strong prepossession in his favour, from the lofty panegyrics he had heard of him; so much so, that the friends of Sir Elijah Impey had upbraided him with being greatly partial to the Governor General. If that partiality was now no more, it was because it had been rooted out by the

the discoveries he had made in the Company's records, while he sat in the Select Committee. All he wanted was, that the House would give him an opportunity to defend the Reports, and to make good all the charges they had brought against the Governor General. Since he saw he was not likely to obtain that, he would not say any thing more against the bill, but simply to enter his protest against it in the name of the injured natives of India, whose grievances were to be inquired into, and redressed by those who had occasioned them.

The question was then put on the motion for the order of the day, which was carried; and Mr. Burke's was of course rejected.

The order for the third reading of the India Bill was then read, after which the bill was read a third time.

Mr. *Dempster* moved two clauses to be tacked to the bill, by way of riders: one was, that the Company should every year lay before Parliament an account of military, marine, and civil establishments. The other, that the bill should expire at the end of seven years. The latter clause was the more necessary he said, as the act could not be repealed, if it should be found not to answer any good end, without the consent of the Lords; and as it was an act which so greatly affected the rights of the people, they ought not to lie at the mercy of the Lords.

Mr. *Dundas* objected to the first clause, on this ground, that though such an account might be proper

per in peace time, yet it would be dangerous in war time.

Mr. *Pitt* thought the other unnecessary, as the Lords would no doubt at any time concur with the Commons in repealing the act, if it should be found detrimental to the Public.

The clauses were then rejected without a division; and the bill was passed at half after twelve o'clock; and Mr. Dundas was ordered to carry it to the Lords; and then the House adjourned.

July 30.

Mr. *Burke* said he was about to give the House some information, but he would not be answerable for the goodness of it. Neither did he know how his services as an informer would be liked in that House. If he might judge of the present from the past, there was not much likelihood his office would turn out an acceptable or a popular one. There was at least one presumption against it, that it would be disagreeable in proportion, he declared, as it was true. For the maxim of judging with a certain class of men, had of late been to pronounce not for, but against evidence; not because convinced of its reality, but because they were determined to quash every thing which bore the most distant semblance to reality from that quarter. Here was the great stumbling block which had undone India, which in the end would undo England. A very large body of individuals were united and determined to protect the Company's servants from every sort of inquisition whatever. They had plainly seen this was the only way by

D d d

which

which they could safely and completely manage matters, so as to screen them from justice. They were confederated with a view of extolling the Indian Government as a good one, and the Governor as unimpeachable. All the while, the main drift of their policy was, to keep the natives totally out of sight. We might hear enough about what great and illustrious exploits were daily performing on that great conspicuous theatre by Britons. But unless when some fatal catastrophe was to take place, unless some hero or heroine was to fall, unless the tragedy was to be a very deep and bloody one, we were never to hear of any of the natives being actors. No, the field was wholly engrossed by Englishmen, to the exclusion of all who might well have been supposed to have the greatest interest in the matter. But what was the mighty principle to which we owed so many astonishing facts? He would tell the House.

He then referred to a Report, in which Mr. Hastings had avowed, that he would not have gone so far, but that he was certain of protection from home. From this originated all the evils which had deluded the Indies, and flung the British Empire into one complete scene of animosity and distraction. Whatever projects an ambition proposed, avarice grasped, or cruelty perpetrated, this was an authority at hand; this was an absolute indemnification; this qualified the whole. It was always support and protection at home that gave operation and effect to every measure. There was a time, to be sure, when much was to be said and done in the House of Commons of that day to counterwork the malignant energy of this principle.

ciple. He heard a learned gentleman pour out a dreadful torrent of eloquence and invective for the purpose of declaring to the whole world, that the servants of the Company had acted such a part as rendered them no longer the objects of support at home; that they had become almost as infamous at home as they were abroad; that the Government of Bengal had broken all credit even with its sovereigns in Leadenhall-street; and that therefore it was now high time to effectuate a reform in that Government.

The consequence of this bold and manly declamation was the recal of Governor General Hastings. Things were now brought to a crisis. Who doubted but an order of the Board of Directors, and an order from this House might singly, but especially when connected, have been able to bring from India a servant of the India Company? No such thing. The matter was tried, and tried with every prospect of advantage on the side of this Country. But she was worsted in the struggle, and the event of the contest proved that the support from home was not substantial only, but at hand, and answered the purpose like prompt payment. These observations were not foreign to the point he had in view. He came here in the behalf of the inhabitants of India. They were grieved. The English government had oppressed them beyond sufferance. Where were they to appeal for redress? Their tyrants and oppressors were to be invested with new powers, by which their peculations and depredations of all kinds may have the sanction of legality, and the wretches whom they

pillage are driven for justice to the very people who are themselves the authors of their miseries. Had they any thing like the fiery forms of justice or equity to expect from such as had injured them? Would not their complaints be treated as chimerical, and their petitions rejected as groundless and absurd?

The people of Quebec had brought forward their petition*. It would be heard. Justice demanded it in their name, and they wanted not friends who would represent their claims, enforce and facilitate them. They were not oppressed by the despotism of a Governor General, over whom the British Legislature had no power. But they were connected with many who would see them righted; who would make their cause their own; who were interested in taking their part. But were, he asked, was the individual who would make himself a party in the case of any poor Indian? Alas! they had not only to struggle against a very superior power, but they were absolutely without friends. All who had made their fortunes among them, and got rich by their means, were now deaf to their complaints. This he stated as a very interesting and extraordinary business. These poor Indians, harmless and innocent, intent only on their own affairs, and never in any case interfering with those of the Company, finding themselves plundered, stript of every thing they possessed, and left even without means of complaining, appeal, notwithstanding, to the British Legislature for a redress under a load of miseries and oppressions unknown to

* A petition presented to the House.

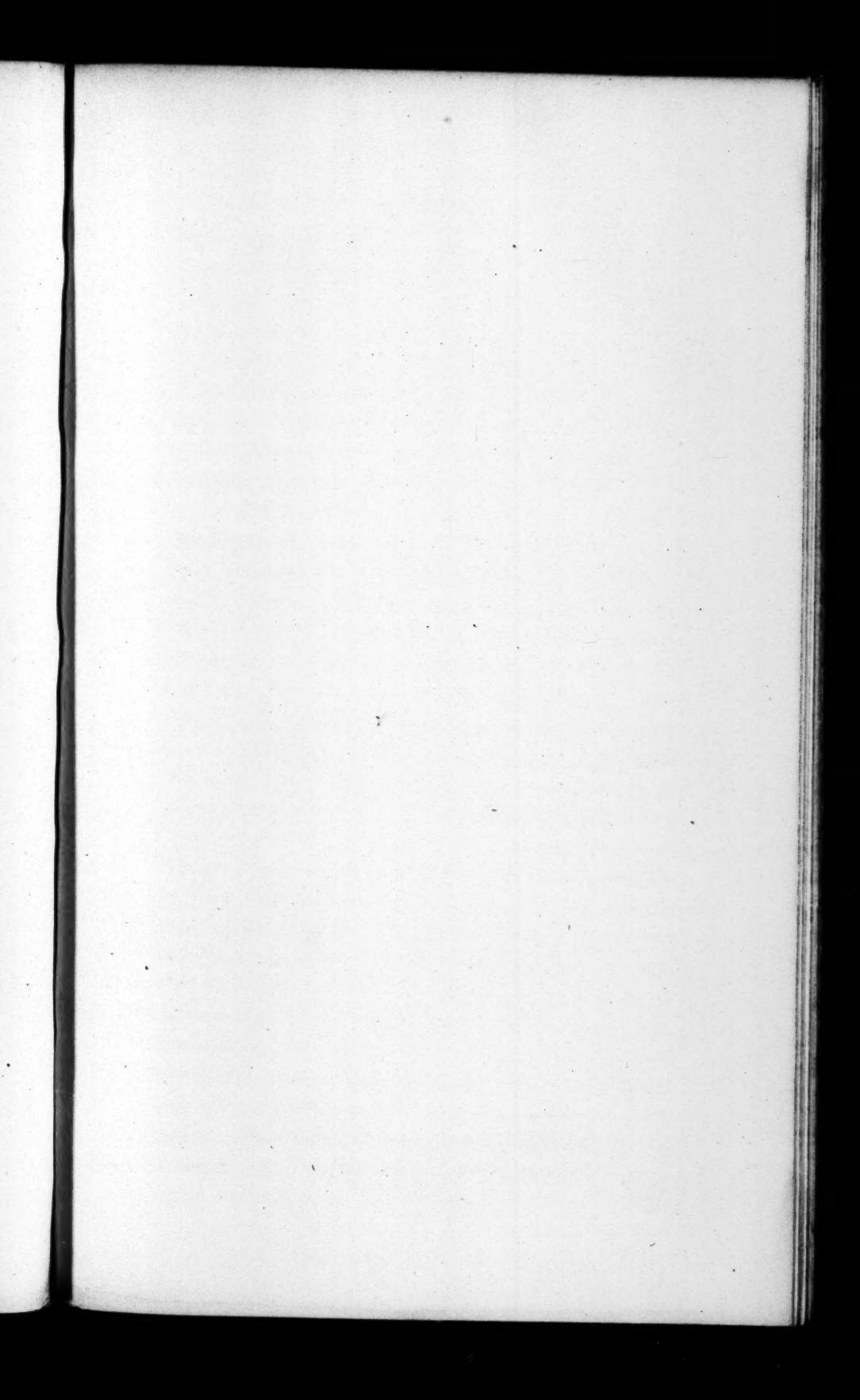
other nations, unparralelled and endless. But how are they received? With what face can you, said he, pretend to sit as judges in their cause, when the bill you have sent out is a declaration that you do not believe their grievances subsist—you do not believe they have suffered under the Governmet of the Company—you do not believe the servants of the Company, in any thing, have exceeded their powers, or in any degree been the cause of destruction to that Country. This, he said, was the plain English what they had done. It was giving the flattest and fullest negative to every grievance stated on the table in seventeen volumes of Reports, and joining issue with that powerful voice, which in another place had, with one word, reduced them to nothing. He was therefore warranted in deprecating the hapless and desperate situation of the poor forlorn natives, who had not even the sympathies of humanity in their favour, from the only people on earth who could relieve them. But this people had received so much from them, that the debt of gratitude had grown insupportable; and they were resolved, since they could make no adequate returns, to make none; or rather, since they could not repay in kind, they would do them all the mischief in their power. This they would do effectually by the measure going forward. It would answer the utmost expectations of the Governments abroad, and demonstrate to all the Indian powers what a powerful support the servants of the Company may alway expect at home. He would then ask, whether any one had heard of the murder which he was now about to reveal? He had seen

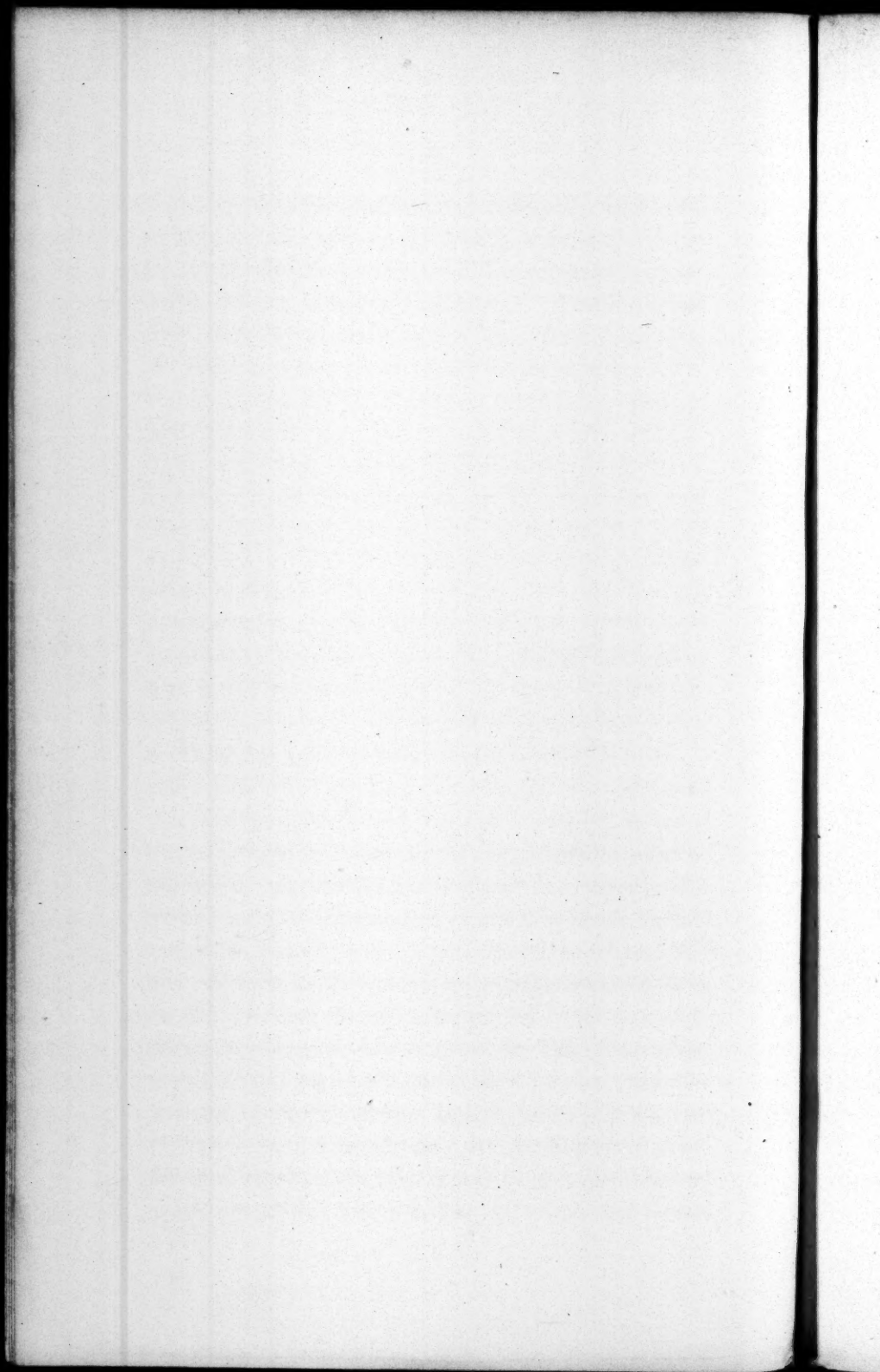
seen an extract of a letter, which asserted, that orders had been sent to take an Indian Chief, whose name we do not remember, into custody. This unfortunate Chief was at the same time ordered to be put to death : but strict charge was given that no treachery should be used. Here was honour, he declared, of a very peculiar description. The wretch is proscribed, but the proscription admits of no treachery. The reason of such extraordinary orders was still more extraordinary. There were persons in the House that would be very glad to expose such a circumstance. So that here was a most curious account ; murder without treachery, and treachery avoided only to keep clear of the House of Commons. What was to be the end of all this ? It was plain the country would not interfere to save the poor natives, who were not deemed worthy of a jury or hearing. They would, however, have redress where neither the Company, nor their servants, nor this House, could prevent them from the attention of a superior Judge. Providence would befriend them when they were friendless, and make up in another, for their extreme, unexampled, and unheard-of sufferings in this world. Providence would avenge their quarrel, and had avenged it in a signal manner on this country, whom it had deprived of one continent for its barbarity and cruelty to another. He mentioned the country of Rathencan, and he wished the Treasury Bench, or the India Bench behind it, would rise and contradict the facts he could state respecting this country. He challenged them to stand up and give him the lie. It would do his heart

heart good, if he could but entertain a doubt of the situation of that country. How could that be a good Government under which such a series of dreadful calamities existed? Was there not even now a famine in the Loho? Did not this famine communicate with Bengal? And was there not a Committee appointed to attend to the exigencies which it produced, which had the name of The Committee of Famine? He stated, that the duty, as one instance, on salt was enormous. In this country it was reckoned there were about seven millions of people, and the duty on this article did not exceed, or very little exceed, 200,000*l*. In Bengal, where there were nearly about the same number of inhabitants, the duty on salt was not less than 500,000*l*. What was the cause of such an enormous exaction, other than rapacity? Its effect was obvious, and dreadful in the extreme. Our land-tax was only four shillings in the pound, their's was eight. The Company in all this, he was ready to declare, were perfectly innocent. Look to their orders! Never did he see more sound morality more elegantly and pointedly expressed. But how different was their conduct! In theory their sentiments were divine; but in action the medal was literally and awefully reversed. He had read somewhere that great were the company of preachers. It was true, they had often preached, and their preaching had no better effect, he was sorry to observe, than the preaching of others. Saul, also, was among the prophets [*looking at Mr. Dundas*] and neither had his prophecies had the desired effect.

Major

Major *Scott* said, he was led to second the motion made by the right honourable gentleman, and he hoped the House would have the goodness and the humanity to suffer the motion to pass. He hoped the instructions given by Mr. Hastings to Mr. Bristow, the paper to which the honourable gentleman alluded, would be produced, and then the House would see how completely the right honourable gentleman had been misinformed, when he said that Mr. Hastings had authorized, or recommended the murder of any man. Those instructions were given in Mr. Hastings's name, with the knowledge and concurrence of the Supreme Council. The Major said, he had great pleasure in easing the apprehensions of the right honourable gentleman as to the famine which he had stated to have prevailed in Oude and Bengal. There had been a very grievous famine in the districts of Agra and Lahore, and about Dehli; but in those countries we had no concern or influence. Great alarm did prevail both in Oude and Bengal; but the Major said, he had the happiness to inform the right honourable gentleman, that very providentially a great quantity of rain fell in Oude, in the month of January, which had saved the wheat harvest, on which the inhabitants generally subsisted. In Bengal every fear of a famine was at an end, and the common prices of rice, both in Calcutta and all over Bengal, had been thirty seers, or sixty pounds weight the rupee, at the highest price. With respect to the monopoly on salt, the Major said, he could assure the right honourable gentleman, that the price was neither grievous nor oppressive, and lower than





He made his appeal to that House, because that House had it in its power to come to a decision, which appealing to the Public by pamphlets, or in newspapers, or in coffee-houses, could not procure.

Mr. *Burke* moved, " That there be laid before this House Copies of letters relative to any demand of money or orders to take the same from the mother and grandmother of the Soubah of Oude, since the first of January, 1782."

Major *Scott* begged again to repeat, that he did complain to General Smith, that his evidence was not fully given; and he desired to tell the House that the whole and entire evidence of Lieutenant-colonel Robert Stuart had been suppressed. There was not a word of it published, though it was most important, and went fully to confirm the Governor General's predictions as to the ruin of Oude. When the treaty of Lucknow was concluded, by which we acquired Benares, and so much influence in Oude, Mr. Hastings acknowledged the advantages of that treaty to the Company; but he said it must ruin the Vizier. And this remark was noticed by the Secret Committee in their Fifth Report, as the right honourable gentleman (Mr. Dundas) might recollect. The Company had brought about two millions and an half sterling from Oude in the last ten years. Was it possible that such a drain as that, from a country without mines, and with little trade, could be made without impoverishing it? and to that point Colonel Stuart's evidence went, though the whole was suppressed. Mr. Hastings's remarks were the same; but he had the pleasure to tell the right honourable gentleman,

that it was determined on the 31st of December to abolish the residency, and to leave the country totally to the management of the Vizier, as the double Government was found to be pernicious to the country. But he repeated, that Mr. Hastings foretold in 1775, what would be the consequence of our having such an influence in Oude: and the evil was now removed.

Another part of the right honourable gentleman's speech, Major Scott said, he must take notice of. The right honourable gentleman affected to despise an appeal to the public, and had said they were not competent judges of this question of India Reports. "Good God of heaven! (exclaimed the Major) have I been asleep these six months? Why what have both of us done, but appeal to the public? Did not the right honourable gentleman print his famous speech of the 2d of December last, and did not I print my reply to it? and have I not fully and fairly refuted all the right honourable gentleman has said on the Rohilla war, on the Maratta war; about Oude, the Begums and the opium contracts: and I used no other authorities than those very Appendixes which the Reports refer to. Why, Sir, was not the Ninth and Eleventh Reports printed as pamphlets by Mr. Debrett? — Was not that an appeal to the public? Were they not sent under blank covers to Peers of Parliament? What was The Source of the Evil, Popular Topics, The True State of the Question, and Vulgar Errors, but an appeal to the Public? And what was the motion, made the other day by the right honourable gentleman, and

since

since printed as a pamphlet, under the title of *A Representation to his Majesty, but an appeal to the Public*? To the Public I appeal too; and I have fairly refuted fifty assertions contained in the Reports, and am ready to come again before the same respectable tribunal, or before this House, whenever the right honourable gentleman pleases." Here, the Major said, he must again mention, what he had before stated, that when a noble and learned Lord had, in another place, talked about the Reports, he mentioned, that Mr. Debreth had sent them to him; and surely he was intitled to state such a proceeding in the manner in which he did state it. The Major said farther, that he could inform the right honourable gentleman and the House, that Mr. Middleton arrived the day before from Bengal, and he was sure he would give any information that could be required by that House.

Mr. *Burke* rose again, and moved, "That an account of what became of the jewels, and other valuables taken from the mother and grandmother of the Vizier of Oude, should be laid before the House."

Mr. Chancellor *Pitt* rose and said, if the honourable gentleman went on in that manner, making motions for which there were no parliamentary grounds, there would be no end to it. How did that House, as a House of Parliament, know the fact, that any jewels, or any valuables, were taken from the mother and grandmother of the Vizier of Oude? And if the motion passed, what was the proper office to expect such an account from? To relieve the House from the difficulties into which the motion would throw it, he said, he would move the order of the day.

Mr.

Mr. *Burke* said, the right honourable gentleman had not given him time to state his grounds; for grounds he had, and would state. He hoped a time would come when he should be heard, and heard with a decency which he well knew the subject deserved. But the facts which he saw in the papers, which, under the direction of Parliament, he was obliged to read, had left on his mind such an impression of horror as deprived him often of his sleep. For this he had risked all the little popularity he had acquired: it was to break the spirit of this dreadful tyranny that he had borne the scorn and derision of the House. And observing Mr. Macnamara, Mr. Rolle, Mr. Grenville, and several others, laughing at his serious ideas of a superintending Providence — Laugh! laugh! (he said) gentlemen might laugh — for to all his other mortifications in coming forward and pleading the cause of the injured, and marking the awful providence of Heaven, he saw himself the scorn and butt of juvenile statesmen. But he would tell them, once for all, that Providence was roused against this guilty country — The arm of God, he exclaimed, was abroad — His visitation was already begun; and he would undoubtedly punish our worthlessness and cruelty to those we had got in our power. You yourselves, he said, (pointing to the Treasury Bench) are the Ministers of vengeance to a blind, unthinking nation — The executioners of the Great Sovereign of the World, who hath destined you his scourge in taxing the country, whose unprincipled ambition hath rendered it infamous in every extremity of the globe.

Mr.

Mr. *Dempster* said, that he had accompanied, though not with equal assiduity, the honourable gentleman through a long investigation of India affairs. When he had commenced his inquiries on this subject, he had, perhaps, felt a prejudice against Mr. Hastings: he was, however, frank to own, that that prepossession had subsequently abated. The sentiments, however, of his honourable friend had been diametrically opposite to his. He had originally conceived well of Mr. Hastings; but that conception had since been extinguished, and had given way to a series of different impressions. He had the highest opinion of the honour and integrity of Mr. Hastings, and to him alone he imputed the salvation of India. He wished, for the honour of Mr. Hastings, if he was innocent, and for the justice of the country, if he was guilty, that an enquiry were established respecting him, and he was sure the honourable gentleman (Major Scott) wished for an enquiry as earnestly as he did. He would therefore concur on these principles in any measures which were likely to accomplish this end.

Mr. Burke rose to speak; but there was a loud and continued clamour in opposition to him.

Mr. *Grenville* said, that he was astonished that the honourable gentleman should press himself so frequently on the House; it was contrary to all rule, and if tolerated, there was an end of all debate.

Mr. *Burke* said, that he wished only to explain what he had thrown out.

The order of the day was then called for, and the usual motion made, that the Speaker leave the chair.

Mr.

Mr. *Burke* then observed, that as this was a new motion, he had a title to express his sentiments on it; and he could not do this without previously remarking, the rather indecent manner in which the order of the House had been enforced, respecting him, by a young member (Mr. *Grenville*) who sat opposite to him. There was, perhaps, a respect to years, which was not unbecoming in a young man. He was now in order to insist, that every thing he had said concerning the outrages in India was true; and as he had not on that day been permitted to go on in the string of motions which he had proposed to submit to the House, he would now read them as part of his speech to the House. Here he read a long string of motions, all tending to introduce inquiry respecting the peculations and outrages committed in India. These, he said, he would bring forward at another period, when he hoped they would not be precluded by an incessant clamour for the order of the day; and he particularly observed, that it was hard a Minister should oppose an enquiry, when the honourable gentleman (Major *Scott*) who sat above him, seemed so very desirous that it should immediately take place.

Mr. *Grenville* expressed his surprise at what had fallen from the honourable gentleman. If he expected that his deference for him, or for age, was paramount to his veneration for the rules of the House, he was egregiously mistaken. In doing what he did, he had only discharged his duty as a member,

and

and he hoped the honourable gentleman would see it in that light.

INDIA RELIEF BILL.

The House in a Committee, Mr. Gilbert in the Chair.

The bill was ordered to be read clause by clause. During the reading of it, Mr. *Dempster* called the attention of the Committee to the circumstances of the load of 925,915l. 15s. 2d. given to the Company. This money was to be lent without interest; he could see no reason for so doing. The Public were paying interest for all their monies, and he thought the situation of the Company was such, as to admit of five per cent. on the sum borrowed. He would therefore make a motion, in the form of an amendment, on the clause of the bill for that purpose. This being done,

Mr. *Samuel Smith* objected to burthening the India Company in the present moment of embarrassment. He thought they rather required a tender treatment, than an austere discipline.

Mr. *Hussey* was not for giving away any of the public money without a proper reason — this reason was not yet obvious in the present instance, and till it was so, it would be better perhaps to submit the case wholly to the Public.

Sir *William Johnstone* appealed to the House, if the India Company had not been involved in a war by the Public — Had not that war brought on them

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much

much expence; and were they not entitled on this account to a generous and grateful treatment from the nation at large? He felt that they were — He had made up his mind on the subject, for he was not one of those who dealt in saying *no* when they ought to say *yes*, or *yes* when they should say *no*.

Mr. *Brook Watson*, with a solemn solemnity, admitted that the Company's affairs were in a state of embarrassment, it might therefore be proper to tender them some assistance. He approved very much of the late measures respecting India, and thought that they were of such a salutary nature, as that every benefit was to be expected from them. He could not subscribe to what had fallen from an honourable gentleman, that their affairs were not retrievable, and would give his opposition to the present motion.

Mr. *Hussey* denied his having asserted the Company's affairs were irretrievable. He had only affirmed, that it was a maxim with him not to give away the public money without a sufficient reason.

The *Solicitor General* said a few words respecting the credit of the Company, as connected with the loan.

Mr. *Dempster* said, that if the Company were to enjoy the blessings of peace, their affairs would prosper, or at least come round; but that on a contrary supposition, the most serious consequences might be dreaded. The motion was then put, when the House divided,

Ayes	—	—	—	—	3
Noes	—	—	—	—	81
Majority	—	—	—	—	78

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The Chairman having read the clause respecting the granting leave to the Company to divide eight per cent.,

Mr. Chancellor *Pitt* observed, that this point had been so fully discussed on a former occasion, that little remained for him to say on it — any diminution of interest would certainly affect the credit of the country, and lead foreigners to withdraw their stocks. He did not therefore think this eligible at the present crisis. He wished matters therefore to go on as they had hitherto done.

The clause was therefore, without any farther remark allowed to stand part of the bill.

August 2.

On bringing up the Report from the Committee of the Dividend Bill, Mr. *Eden* expressed his astonishment at the state of the bill after it had come out of the Committee, and as it was reported to the House. He had been necessarily absent during the debate which had taken place in the Committee, but he would own, that the indulgencies which were granted in the bill as it now stands, were unreasonable and extravagant beyond his conception. What was the mode intended to be pursued? Why, the Company, in the first place, were to have the public money, for which the Public were surely paying interest, as a bounty without any interest; and that very Company, by another clause of the bill, were to be permitted to divide eight pounds per cent. on their

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own profits. Was any scheme ever invented so inconsistent in its principles, or injurious to the Public? He could neither conceive nor recollect any. It was literally making a present of the property of the nation to a trading community, who were to be declared in a flourishing situation, at least in a situation to divide eight per cent. by act of Parliament.

Mr. *Fox* said, that when he considered the weight of the Company in the House, when he considered its weight on the measures of Administration, and even on the nation at large, he could not but suspect, that the present bill was not founded on public principle, but was a sacrifice to the views and interests of a separate society. He felt equal astonishment with his honourable friend, at those clauses in the bill which at one moment exhibited the Company in a state of pecuniary exigence, which bestowed on them the public money without interest, and in the very next clause, pronounced them to be in that state of affluence which intitled them to no less a dividend than eight per cent. When he attentively considered these circumstances, he could not doubt, that the regulations which had been adopted, were not those of the Minister, but of the Company, and that the bill was itself a shred of that wretched system which had already produced so many disorders in the state of the Company's affairs.

Mr. *Dundas* expressed his astonishment that the honourable gentleman should condemn the adoption of a measure which a bill, which had passed that House,
and

and in the framing of which the right honourable gentleman was intimately concerned, had both sanctioned and established. He could not but recal this circumstance (it was a circumstance of the utmost notoriety) to the right honourable gentleman's recollection; and he hoped that when he did so, when he refreshed his memory on the point, that he would at least be more disposed to treat with more delicacy the clauses of the bill, which he himself, on a former occasion, had both approved and countenanced.

Lord *North* was at a loss on what ground to explain or to reconcile the various contrarieties and inconsistencies of the bill. He was sometimes led to believe, that there must have been some singular service which the East-India Company had performed, to intitle them to so prodigal a profusion of benevolence. For, if this profusion was not founded in some *merit*, it was not founded in any principle. He held it as a maxim, that till the debt was discharged, no dividend was proper or ought to be made. His Lordship then referred to particular reports respecting the Company's dividends, and from these he proved, that in no former period, the Company had ever divided eight per cent. on their real commercial property. This he well knew; and to allow them at present to divide eight per cent. was more than they were intitled to do. He could not help adverting shortly to the completion of the two bills which had been brought this session into Parliament — One bill gave all the power to the Directors — Another bill follows that — and what does that bill do? It gives
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all the money to the Proprietors. So that the estimation in which a right honourable gentleman was held by the East-India Company, was not at all to be wondered at, as he had surely taken the two best methods in the world to conciliate their attachments. But what was the idea which one was to form of the India Company from the treatment of the bill? What were the duties which it inculcated on them? Did it not hold up this doctrine, that they were to be relieved from their necessities, that they might spend more profusely — that they were to receive a bounty for their prodigality, and to encourage them by act of Parliament and State favour to cover their indigence by a false display of their opulence. Such, and such only, were the points in which the present bill was to be considered.

Mr. Fox affirmed, that the regulations respecting the Company's dividend, contained in the bill which had passed the House before Christmas, were different from those which were established in the present bill. The eight per cent. allowed by that bill was only retrospective and temporary: it was not meant to be permanent. This was not, however, the circumstance to which he chiefly objected: it was the eight per cent. and the no per cent. The allowing the Company to divide eight per cent. when they were in possession of the public money, without paying any thing at all for the use of it; it was that connection of circumstances with which he found fault; and from all charge of which he was confident that he

he could rescue the other bill to which allusion had been made.

Mr. Dundas still contended that the regulations respecting the dividend were precisely the same in the bill that was brought into the House before Christmas, and which obtained its concurrence, as those which were now proposed.

Mr. Fox asserted that the former were only temporary.

Mr. Dempster said, that though he had appeared in a very small minority when he had divided the House in the Committee on the clause respecting the granting five per cent. on the sum of 923,519l. 9s. 2d. he was determined once more to take the sense of the House on the subject. He hoped in doing so to carry the right honourable gentleman opposite to him along with him, or at least that he would do as some of his predecessors in office had done, allow himself to be beat. He then moved, by way of an amendment, that after the sum *nine hundred and twenty-three thousand five hundred and nineteen pounds nine shillings and two-pence*, be added these words, *together with five pounds per centum on the above sum*.

Mr. Fox, insisted that though from the expediency of the case, an indulgence for a limited time might have been proposed in the bill which he introduced before Christmas last, yet that it was certainly unfair to found a precedent on this circumstance, and to extend even the same indulgence for an indefinite time. He denied that the India Company had any merit to entitle them to so soft and benevolent a treat-

treatment. He asserted that the right honourable gentleman had shifted ground, and that the sum of his reasoning had become a mere *argumentum ad hominem*.

Lord North said, that the allowing the Company to have the sum specified in the bill without the interest, was in fact giving them 75,000*l.* which was surely a sufficient price for the right honourable gentleman's *argumentum ad hominem*. He again asserted, that it was highly injurious to the Public to allow the Company to divide eight per cent. before they paid their debts. I was a mode of treatment which would no where else be tolerated. It was saying to the Company, the more you divide the greater will be your advantage, and the more you spend the greater will be your credit. Do not look at the state of your finance, but go on dissipating your property, for be assured that the more prodigal you are, the more you will have.

Mr. Nathaniel Smith said, the Company had incurred a loss of fifteen millions by the war, in which they had been involved on account of the empire, and it was certainly incumbent on the country to make them a recompence in some way for the remarkable efforts and expence which the Company had gone to. The recompence which they desired was not of a very sanguine kind. They were not to receive the boon which made the subject of the present debate in cash; they were only to be indulged with the postponement of duties which they

they owed to Government, and which they owed through their exertions for the country.

Mr. *Courtenay* said, that one of the Minister's maxims which he had lately broached in the House was, that the convenience of the Public was often its credit. He thought he might now add, that the convenience of the Minister was also sometimes his credit. A celebrated author (Mr. D. Hume) had said, that it might be convenient for the nation to declare itself bankrupt. He thought the Minister was practising on the principle, and to save the East-India Company even declaring them bankrupt by act of Parliament. He was happy to find that one gentleman (Major Scott) whose talents for agency had been so much talked of, had withdrawn. This was an evidence of his modesty—Oriental modesty was a proverb. He had waited for the ingenuity of the right honourable gentleman to see what it would suggest in favour of the clauses of the bill? but here it had produced nothing. Being mortified and disappointed in expectation, he had next set about trying what his own invention could produce on the subject; but here he could invent nothing but absurdities and political incoherencies, and he must pronounce the measure one of the strangest which had ever been broached. After a process of humorous remarks, he concluded with concurring in the proposed amendment.

Mr. *Sheridan* said, he trusted the Minister would not be followed so implicitly upon the question that night, as he had been two days before. Gentlemen

saw more clearly its quality, and he believed they would not chuse to countenance a proceeding so unbecoming. That in private life, a man might upon occasion find it convenient or necessary to conceal his embarrassments, by the gaiety, or even the splendor of his appearance; that he might dart into some expences for the sake of maintaining a declining credit, he admitted. A private man, if he had future prospects of retrieving himself, might, perhaps, without much imputation, do this; but was the same conduct to be permitted to a State, or was a nation like ours, which stood on the purity and clearness of her credit, to give her countenance and sanction to such a manœuvre? What might not be the conclusions drawn from such conduct? Take the question in another view. At a time when we were, through the most urgent state of necessity, laying heavy burdens on the poor people of this country, when even the poor seemed to be selected for the burdens—was it decent to rob them of 75,000*l.* a year, in order to free a Company which boasted of its opulence, and which, whatever might be its real ability, had found the means of planting a phalanx in that House for the purpose of shifting their distresses from themselves on the heads of the people of England. Save this 75,000*l.* a year to the nation, and you may relieve the unhappy poor from your new duty on *candles*; save this sum, and several of your new burdens distressing the valuable manufacturer, and the industrious artisan—taxes which crush
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ingenuity, and take from œconomy its fruits, will be unnecessary.

Sir *James Erskine* said, that surely, when a solvent Company borrowed money, they would have no objection to pay the legal interest of five per cent. for the money which they borrowed. If they did not do this, they fairly held themselves forth to the world as insolvent.

Mr. *Hussey* said he saw no good reason for robbing this distressed country of 75,000*l.* a year. The Minister had not assigned a single reason, nor favoured the House with one argument to shew that the Company should not pay the five per cent. Until the Minister did this, and that to his satisfaction, he should maintain his resolution of voting for the amendment.

Major *Grant* said, the House should recollect the Company were still engaged in the war, and consequently indulgence should be given them.

After a word or two more, the House divided on the amendment,

Ayes, 27 — Noes, 83.

The Report was then agreed to.

August 4.

It being moved “ that the bill be read a third time,”

Mr. *Eden* rose to say a few words upon an objection which, he said, a noble friend of his, who sat near him on Monday evening, had intended to suggest, but had missed his opportunity. Mr. *Eden*

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said it had been conceived, that if the objection he alluded to had been offered, many of those gentlemen who divided against them, upon remitting the interest of the debt due from the Company for duties, would have voted for them upon the other part of the bill, viz. in favour of a proposition to reduce the dividend from eight per cent. to six. The reason of his thinking so was this: the bill, as it then stood, contained two distinct propositions, the one, for respiting the duties and remitting the interest; the other, for allowing the Company to divide eight per cent. The only way of justifying these two propositions that could possibly be resorted to, was to argue them separately, and to contend in support of the first, that the Company were so extremely poor, that they not only could not afford to pay the duties, but that they actually stood in need of farther assistance, and that with a view to afford them such assistance, it was necessary to forgive them the whole amount of the interest; and in support of the other, to take the direct opposite argument, and to contend, that their affairs were in so flourishing and prosperous a condition, that they could well afford to make a dividend of eight per cent. Now to have a bill go upon two such contradictory positions, as that the Company were at one and the same time both rich and poor, was so inconsistent and so unreasonable, that he flattered himself it would have required but little argument to have induced gentlemen to feel, that it was rather too much for common sense to admit, and of course that they would have

have voted for a six-per-cent. dividend instead of an eight. Indeed he could not conceive the right honourable gentleman himself was aware of the absurdity, or he should have imagined, he would have proposed that the Company should divide no more than six per cent. till they had paid their debts. Mr. Eden argued farther, that there was no occasion to extend the bill so far, since the Company themselves had not prayed for relief beyond a certain extent, and the bill exceeded it by a whole twelve-month.

Mr. Chancellor *Pitt* begged to say one word to what had fallen from the right honourable gentleman, whose arguments, however well they might sound, were more ingenious than serious. Indeed he imagined the right honourable gentleman himself rather offered them as proofs of his ingenuity, than meant them to be regarded as solid and substantial objections against the bill. It was extremely easy to say the bill remitted the interest of the Company's debts, because they were too poor to pay it, and that it allowed them to divide eight per cent. because they were rich enough to afford such a dividend; but was that in truth, and in fair argument, the state of the case? Certainly not. The real state of the case he took to be this: the Company, it was true, were somewhat distressed at this moment; but what he took to be their precise situation was, the medium between the two opposite opinions; they were neither so near to bankruptcy and ruin as some gentlemen imagined, nor were they in that very
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prosperous condition that other gentlemen were willing to believe they were. In fact, the Company, though certainly not in present affluence, and in present prosperity, were, nevertheless, deciding impartially from the Directors own state of their affairs, and from the very fair and candid Report of the Committee of that House appointed to examine the Directors' state of their affairs, and considering all the circumstances of their affairs, in that condition, that came within the fair meaning of the word *solvent*. That he took to be the real situation of the East-India Company, and he had formed his own opinion upon these grounds; therefore, hoping that the Public hereafter would derive considerable advantages from the Company and from India, he thought it right to assist the Company on the present occasion, and to remit the whole of the interest of the debt due from them for duties. But when he proposed such a measure, he did not propose it, meaning thereby to admit that the Company were warranted to claim it as a matter of right; no, he proposed as a favour done them by the Public, as an handsome and liberal act of bounty and benevolence, which it became the Public to perform, under all the present circumstances of the case. With regard to allowing the Company to make a dividend of eight per cent., was it to be inferred from thence, that the Company were rich enough to afford, and that the size of the dividend was governed by that circumstance solely? No such thing. The dividend of eight per cent. was allowed, because it appeared
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that the credit of the Company depended materially upon their dividend; and as public credit was intimately connected with the credit of the East-India Company, motives of policy and expediency dictated the propriety of allowing the Company's dividend to be to the amount of eight per cent. With respect to the time that the bill respited the payment of the duties, and remitted the interest exceeding the period prayed for by the Company, the difference was but trifling, and in all probability the Public would receive back three-fourths of the sum before the bill expired, in their participation of the dividend which the Public would be entitled to, agreeable to the act of Parliament, that gives them a right to three-fourths of the dividend, whenever the Company divide above eight per cent. Mr. Pitt added other arguments, to shew the probable prosperity of the Company, if their affairs were properly managed and taken care of. In confirmation of the reasonableness of this expectation, he communicated to the House the intelligence from authority that had been received by Government, stating that peace was now established in India, that it prevailed there universally, and promised to be permanent.

Mr. *Hussey* desired to say a word or two upon what had fallen from the right honourable gentleman, who, he said, had not convinced him that the House were justified in giving away such a sum as 100,000*l.* of the public money to the East-India Company, and at the same time allowing them to divide eight per cent. He was extremely glad to hear

hear the news which the right honourable gentleman had been pleased to communicate to the House. Every man of humanity, and every friend to his country, must be glad to hear that there was peace in India; but that did not appear to him to be an argument that applied to the present case. The bill had not been brought in upon those grounds; let the House remember that; and therefore its having taken place, however a matter of general satisfaction, was not, in his opinion, an argument for so extraordinary an act of profuseness, as making the East-India Company a free gift of 100,000*l.* of the public money. They were not entitled to any such free gift from the Public. The manner in which they had conducted their own affairs hitherto did not deserve it. Mr. Hufsey added arguments to prove, that such an application of the public treasure was extremely reprehensible; and he sat down with saying, that it but ill accorded with that strict regard to œconomy which the right honourable gentleman had so often stated the exigency of public affairs to require, and to which he had repeatedly promised rigidly to adhere.

Mr. Fox (who had come into the House while Mr. Pitt was speaking) rose to support the arguments of Mr. Hufsey. The argument of the right honourable gentleman, he said, weighed nothing, unless it could be taken as proof, that the credit of the East-India Company depended altogether on their being enabled to divide neither more nor less than eight per cent.; an amount of divided which they had never reached

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at any time from their commercial profits alone. He stated the giving up the interest of the duties to be a most lavish waste of the public money, and an act of profusion as unnecessary as it was extravagant. To justify such a transaction, by pleading the present poverty of the Company, and to allow them to make a dividend of eight per cent. at the same time, was, he said, an inconsistency irreconcilable to common sense. The transaction altogether was such, he declared, as every gentleman present who had any regard for his constituents, or any sense of his duty to the People of England, ought to mark with his severest reprobation. A transaction so extraordinary could not be founded in the open and avowed reasons that had been assigned for it, but must have its origin in some dark and insidious purpose. What was the Administration that obstinately persisted in denying the navy bill holders their fair and equitable claims, that, in the very hour in which they talked loudly of the extreme necessity of preserving the public credit sacred and inviolate, took measures effectually to wound and injure it? Was that Administration to be allowed to give away 100,000*l.* of the public money, and to give it away so shamefully? Let gentlemen recollect the hard and severe taxes they had consented to impose on the People of England. Let them remember, that to meet the necessity of affairs, as stated by the right honourable gentleman (and he did not mean to say, that it had not been fairly stated, and that the necessity did not actually exist) but to meet that necessity, they had

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imposed taxes on our manufactures, and taxes on the necessaries of life! Taxes that reached the poor, and affect all ranks of people! And were they, at such a moment especially, to consent to a proposition so monstrous as that held out by the bill, viz. to keep 100,000*l.* out of the public coffers, and to put it into the pockets of the East-India Company? What would the Country say? What would the People of England say, when they heard that such a sum was taken from them, and put into the pockets of the East-India Company? When they coupled that measure with a bill now in the other House, the Bill for the better Regulation and Management of the East-India Company, (which had been so totally altered since it was first introduced, as to have lost sight completely of the principle upon which it had been opened,) would they not say, that instead of establishing a good and a salutary English Government in India, the tendency of all the measures lately taken went to the establishment of an *Indian Government in England!* Undoubtedly they would; and recent facts would bear them out in the suspicion; he cautioned the House, therefore, to take care what they were about, and to ask themselves if it was their wish to sacrifice every thing to the East-India Company, and to establish an Indian Government of Great Britain!

Mr. Chancellor *Pitt* rose with some warmth to reply; he asked, whether the insidious and inflammatory speech of the right honourable gentleman was warrantable by any thing that had passed that day?

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Where did the right honourable gentleman find the means of establishing an Indian government of England in the bill then under discussion, or in his conduct respecting any other bill, not then in that House? Was it in any attempt of his to seize upon the property of the East-India Company, to possess himself of its patronage, to engross the appropriation of its revenues, and to use it as the engine of lasting and permanent power? Had he set up chartered rights as matters of derision, and as matters not worth preservation? Had he endeavoured to put himself in a new situation, by creating a fourth branch of the Legislature, and seizing upon the supreme authority of the state? In what did his conduct justify the invidious motives which the right honourable gentleman had thought proper to impute to him? Or if such motives were to be found any where, were they not rather to be looked for in the conduct of the right honourable gentleman himself? With regard to the dividend of eight per cent., he had already stated that the credit of the Company, with which the credit of the Public was so intimately connected, that one could not be shaken or injured, without the other's very sensibly feeling it, depended upon the dividend of the Company being kept up and supported. And as to the remission of the interest of the debt of the East-India Company, the right honourable gentleman knew that public policy and expediency rendered such a remission necessary; perhaps public policy and expediency did not render a remission of the interests of all the debts due to the public equally necessary.

Perhaps the right honourable gentleman knew that there were persons indebted to the Public in considerable sums, the interest of which debts ought not to be forgiven; but, on the contrary, both interest and principal ought long since to have been paid in. Having pursued this strain of invective for some time, Mr. Pitt reasoned more calmly on the argument of Mr. Fox, and said, when the the right honourable gentleman chose invidiously to state that the remission of the interest of the debt due from the East-India Company, was keeping so much out of the public coffers, in order to put it into the hands of the Company, he well knew that it was no such thing. He knew that there was no part of the bill, either the remission of the interest of the debt, or the allowing the Company to make a dividend of eight per cent. that was not precisely the very thing that the right honourable gentleman had done himself when in office. Let the House recollect, that the bill of last year gave up the interest, and allowed a dividend of eight per cent. ; and let the right honourable gentleman for the future learn to act with more candour, and not attempt to blame that in others which he had before done himself ! But whatever effect the right honourable gentleman might promise himself, his invidious manner of stating facts, or his inflammatory appeals to the Public would produce, he would find himself miserably mistaken ; he might rest assured neither that House nor the the Country were so easy to be deceived and deluded as he imagined. They had formed their judgement
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of the right honourable gentleman by his past conduct, and they would not easily believe his assertions, or rely with much confidence on his arguments.

Mr. Fox rose the moment Mr. Pitt sat down, and remarked to the House, that it was plain the right honourable gentleman had found out, what indeed it required no great degree of sagacity to discover, viz. that a Bill for the better government of India, which he had brought into the last Parliament was an unpopular bill in that House, and having made this notable discovery, the right honourable gentleman thought proper, whenever he said any thing that did not please him, to run on in a strain of vehement declamation on the subject of his East-India bill, to vent a considerable share of invective upon it, and to ring the changes on all the various terms of obloquy and reproach that his ingenuity could suggest. This, Mr. Fox said, convinced him, that even among the fertile resources of the right honourable gentleman's mind, he found himself at a loss very frequently how to answer his arguments; and as often as he did so, a declamation upon the East-India bill served him as a substitute for reasoning, and as it was sure to catch the House, perhaps it was exceedingly wise in him to adopt such a practice. The East-India bill that he had the honour of introducing, Mr. Fox said, had been discussed again and again; it was unnecessary therefore for him to go into any defence of it at that time. It was a bill, of which he had repeatedly said, he never should be ashamed. The more it was discussed, and the better it was understood, the more
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its unpopularity diminished ; this was already apparently the case without doors, and it would be one day the case within those walls he was perfectly convinced. The right honourable gentleman had chosen to advert to a bill brought in by a noble friend of his, no longer in Parliament, and had urged that as a parallel case to the present ; but was it so ? Undoubtedly not. His noble friend had proposed, that the dividend of the Company should be after the rate of eight per cent. for a single half year, to which he had objected in private : but his noble friend had argued with him in this manner upon the subject : “ You are going to take the affairs of the Company under full discussion, and to make such regulations as shall appear to be necessary. Do not, therefore, suffer a prejudicatory idea of their affairs being in a bad condition to go forth. Allow them now to make an handsome dividend ; and when you have examined their affairs, and ascertained their real situation, regulate the future dividends accordingly.” In this argument there was reason and common sense ; but was the case similar ? Parliament had examined the Company’s affairs. Parliament found them to be bad. The bill under discussion spoke them to be bad, for it forgave them a large sum due for interest. Under such circumstances, therefore, ought a permanent dividend of eight per cent. to be allowed ? Reason, common sense, prudence, and equity, forbade it ! From the bill of his noble friend, which certainly was not analogous to the present case, Mr. Fox said, the right honourable gentleman had chosen to go into personal

personal matters, and endeavour to insinuate circumstances against him, with which he had often stated, he had no concern whatever. He never had argued against any public debtor, be he who he might, paying the public interest, for the money in his hands, from the time that the Public had a right to expect that interest, and the right honourable gentleman would never find him arguing in that way. How far it was handsome in the right honourable gentleman to run into personal matters, when they had no relation whatever to the subject under consideration, he would leave to the House to determine; he only begged them to remark, that the right honourable gentleman's declamation against his India bill, which had received the support of a considerable majority of that House in the last Parliament, was the sole argument that he had made use of, in answer to his observations upon so unnecessarily giving away one hundred thousand pounds, and at the same time, in so inconsistent and unaccountable a manner, allowing the Company to make a dividend of eight per cent. Not one word of reasoning had the right honourable gentleman offered upon the subject; let him, therefore, feel what justification he might in his own mind, and let him resort to declamatory invective and personal insinuation as much as he pleased, he should still say, that the People of England would, from the face of that bill, and from what had happened in regard to another, reasonably conclude, that the East-India Company had an undue influence upon the present Government, and that it was their purpose to establish an Indian government of England.

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Mr. *Dundas* said, the right honourable gentleman had nobody but himself to thank for it, if any thing personal or invidious had been said in the course of that debate. Let him remember, that he had not contented himself with fair argument ; he had not confined what he had said to the bill then under consideration, but had thought proper to ascribe motives of an invidious nature to his right honourable friend for his conduct in supporting the bill in its present form. It was, therefore, the right honourable gentleman that began the personality ; and it was surely justifiable for his right honourable friend in retort to say, that the undue motives imputed to him must have suggested themselves to the right honourable gentleman's mind, in consequence of his sense of his own conduct on a former occasion, when he had made that attempt to seize upon the property of the East-India Company, to possess himself of its patronage, and to set up a new power unknown to the Constitution, and superior to the Government of the country, which they all knew him to have made for the purpose of his own aggrandizement, and with a view to secure himself beyond the power of removal from office. With regard to the right honourable gentleman's assertion, his right honourable friend had not supported the proposition of allowing the Company to make an eight-per-cent. dividend with a single argument ; he begged the right honourable gentleman not to imagine, that when he chose to absent himself from his duty in that House, where they were all glad to see him, to suppose that nothing
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passed there. Had the right honourable gentleman thought proper to have been present when the bill was in a Committee, and when the blank was proposed to be filled up with the words *eight per cent.* he would have heard his right honourable friend argue much at large in stating the grounds on which he proposed that the Company should be allowed to make such a dividend. Now it was over, Mr. Dundas said, he knew no harm in stating to the House, that in fact his right honourable friend had intended on the very morning of the day on which the blanks were filled up with the words *eight per cent.* to have come down and proposed *six per cent.* should be the amount to which the dividend of the Company should be confined till they had paid their debts, but it was stated to him by the monied men, and those most conversant with the affairs of the Company, that above one-fourth of their whole stock was in the hands of foreigners, and that if the dividend was reduced, those foreigners would immediately conceive the Company were ruined, and would sell out; a circumstance that could not but shake the credit of the Company, and materially affect that of the Public! This circumstance the right honourable gentleman would have heard alluded to by his right honourable friend, if he had thought proper to have attended when the subject was last under consideration, but not having done so, he had no right to conclude, that no argument whatever had been alledged in support of the proposition. Mr. Dundas took notice of Mr. Fox's assertion, that the Company had never divided eight per cent. from their commercial profits, and said, the

fact might be so ; but since they had obtained possession of the Dewannee, they often had. He also discussed the nature of Lord John Cavendish's bill, and stated the time of its duration, arguing, that there was less reason for remitting the interest of the debt at that time, and allowing the Company to divide eight per cent., than at present.

Mr. *Fox* rose again, and declared, that nothing the right honourable and learned gentleman had said, amounted to an argument why the dividend should be eight per cent. As to a fourth of the stock being in the hands of foreigners, and the remark, that if the dividend was reduced they would sell out, past experience proved that the alarm was unfounded. When the stock was last reduced below eight per cent., had the foreigners sold out ? Undoubtedly they had not. Mr. *Fox* contended, that unless it could be proved that the credit of the Company depended altogether on their dividing exactly eight per cent. and neither more nor less, that such a dividend ought not to be allowed ; and therefore, as he conceived, they were not entitled to a remission of interest and a dividend of *eight* per cent., he gave notice, that at the proper time, he would move to amend the bill, by inserting the words *five per cent. interest*, after the statement of the sum due to the Public from the Company for duties.

The bill was then read a third time ; after which, Mr. *Eden* proposed a clause of proviso, by way of rider. The purport of the clause was, to oblige the Company to follow certain regulations in accepting and discharging the bills drawn upon them according
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to their respective dates. The clause was brought up, and read a first time.

Mr. *Atkinson* said, he feared the operation of such a proviso might lead to difficulty and embarrassment, by confounding the dates of the bills from China, and those from Bengal.

Mr. *Eden* said, he had imagined that the honourable gentleman understood the bill better than any of them, but he found he had given him credit for a farther acquaintance with it than he really possessed, and that he did not understand it. Mr. *Eden* shewed, that the bill, by an express clause, confined its regulation to the bills from Bengal.

Mr. *Atkinson* said, he had spoken the suggestion of the moment, from having heard the proviso cursorily read; that the case standing as it did, he had no objection to the clause. The clause was then read a third time, and agreed to.

Mr. *Fox* then moved to amend the bill, by inserting the words *five per cent.* interest. The amendment was negatived.

Mr. *Courtenay* ironically argued, that it was proper the Company should be allowed to divide *eight per cent.* whether they were rich or poor. If rich, they ought to divide what they pleased; if poor, as it was the last time they would divide so much, it would certainly be right to indulge them. Mr. *Courtenay* considered what had been said of the foreigners, and the circumstances of the dividends being suffered to be eight per cent., as a proof of the good understanding that there existed between the right honourable gentleman and them. It was plain, he said, the right

honourable gentleman kept the dividend up as high as eight per cent. in order that his foreign friends, who held India stock, might sell out to advantage, which they would undoubtedly do directly. He said, it was evident from the completion of the present bill, and from the manner in which the right honourable gentleman had given up the principle of the India regulating bill, that the right honourable gentleman was solely governed by the East-India Company. The regulating bill, he said, was originally brought in full of clauses tending to increase the influence of the Crown. [*Mr. Pitt said across the House, Name them !*] Mr. Courtenay asked, if the appointment of the Commanders in Chief was not, as the bill stood, vested in the Crown ? [*Mr. Pitt said, Yes.*] Mr. Courtenay then contended, that had the appointment of Commanders in Chief remained vested in the Crown, the Crown would have had the sole appointment of the army. [*Mr. Pitt and the Attorney General said, across the House, Oh, no such thing !*] Mr. Courtenay declared, he considered the bill as a bill calculated to protect that grand delinquent and peculator, Mr. Hastings, of whom he said, he had once entertained a better opinion. He stated his reasons for having changed his sentiments. He went on pursuing his reasoning, and supposed an interview had taken place between some of the most known Directors and the Chancellor of the Exchequer, and that they had said to him, " Give us the patronage and the power under this bill, and we will continue you Minister. If you give it to the Crown, the Crown may not always like you, and you may lose your situation. If
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you do not chuse to give us the patronage, we'll join the opposition, and ruin your administration." Mr. Courtenay insisted upon it, that it was clear such a conversation, or something very like it, had taken place. He remarked, that the giving away one hundred thousand pounds was a most lavish waste of the public money. That sum, he said, would have relieved the poor from the oppressive tax on candles, which was about to be rendered extremely heavy to the consumer. The tallow chandlers had already raised candles to eight shillings and four-pence the dozen pound; and considering that the retail vender must put a profit upon candles, the poor would pay three halfpence a pound addition in consequence of the tax. After a good deal of mixed reasoning, part of it serious and part ludicrous, Mr. Courtenay said, he considered the conduct of the right honourable gentleman as a proof of his sincerity. The Public had very foolishly idolised him, and he was determined in the most rapid manner possible to undeceive them; and in return for their folly, to convince them, that their idol, like many others, was mere wood and stone.

Sir *James Erskine* supported the objections to the bill, and contended, that instead of their having been fairly answered, the right honourable gentleman, and the right honourable and learned gentleman near him, had contented themselves with declamation, invective, and personal insinuations against his right honourable friend. Sir James reviewed the answers, such as they had been, and pointed out their fallacy. Sir James made several pointed remarks,
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and signified his determination to move an amendment of the clause relative to the dividend.

Major *Grant* rose to correct Mr. Fox's assertion, that the Company had never divided so much as eight per cent. from commercial profits. Mr. Grant said, they had made a dividend of eight per cent. before the acquisition of much territory. Mr. Grant stated himself to be almost the only officer who served the Company, and gained nothing by it.

Mr. *Fox* made a short reply, and expressed his satisfaction at his honourable friend's having signified his intention to move the amendment.

Major *Scott* begged to state a circumstance, which he thought had not been sufficiently adverted to by the right honourable gentleman (Mr. Fox,) who had just sat down. In the progress of a late bill through the House, the affairs of the East-India Company had received a very full discussion, and great variety of opinions had prevailed relative to the actual state of India. The right honourable gentleman had expressed, in strong terms, his doubts, as to our being at peace in India. Another honourable gentleman, not then in his place (Mr. Francis,) had given it as his decided opinion, that we were not at peace with Tippoo Sultan, as appeared from a correct copy of his speech, which he then held in his hand. Other gentlemen, on the same side, had thought as he did. On this side of the House many thought, that the peace was at least doubtful, though, for his own part, he had entertained no doubts of its being perfectly re-established. If, however, under these various opinions, and considering the weight
which

which the honourable gentleman's sentiments which he had quoted, had with the world, from the high office he had filled in Bengal, the Minister had actually proposed a dividend of eight per cent. what would have been the consequence? Why, every foreigner possessing stock would have disposed of it, on a supposition, that the Company's affairs were really in that dreadful state which some gentlemen described. It was, therefore, wise policy, to continue the dividend at eight per cent. under the uncertainty which had prevailed till yesterday; but now we knew for a certainty, that a peace was actually concluded, on very advantageous and honourable terms, with Tippoo Sultan, on the 11th of March, and this happy event would surely remove every doubt with regard to the dividend, which could not now be reduced lower than eight per cent. upon any view of the Company's future prospect.

At the proper opportunity Sir *James Erskine* moved his amendment. On putting the question it was lost.

Mr. *Fox* then said, he was happy the amendment had been moved, as it was a proof to the People of England, that none of his friends had silently acquiesced in a bill, that gave away so much of their money unnecessarily, and at the same time allowed the Company to divide *eight per cent.* while they were considerably in debt to the Public. Mr. *Fox*, in reply to Major *Scott*, justified what he had formerly said, as to the doubtfulness of peace in India; declaring, that all the end of his argument on that point had been to assert, that the conjectures of Mr. Hastings

Hastings were not to be considered as infallible indications that peace was at hand. An infallible argument in which he had been justified sufficiently by the many serious doubts entertained by the best informed upon the subject.

The bill passed.

August 3.

Mr. *Moreton*, from the India House, presented the instructions moved for by Mr. Burke, relative to the seizure of Almas Ally Cawn.

Major *Scott* observed, that as the right honourable gentleman (Mr. Burke) who moved for the instructions, was not then in his place, he would take the liberty to make a proposition, which would have come with more propriety from him. He said, that in consequence of what had fallen from the right honourable gentleman, a strange idea had prevailed, that Almas Ally Cawn had been murdered, and a ridiculous paper, purporting to be a picture from his wife, had been fabricated and printed in one of the newspapers. To prevent any farther deception, either upon the House or the Public, he would beg leave to move, that the papers presented from the India House, should be printed for the use of the House.

Sir *Archibald Edmonstone* seconded the motion, which was agreed to.

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M R . P I T T ' s E A S T - I N D I A B I L L .

June 28, 1784.

THE order of the day having been moved and read, "That this bill be read a third time;" it was read accordingly. It was then moved, "That the bill do pass,"

Lord *Loughborough* upon this rose, and began with declaring, that he had not heard the bill was arrived at that period in their Lordships' House till that morning, or he certainly would have objected to it earlier, but as the fact turned out to be that the bill was not brought into the House till Friday last late in the day, and was then read a first and second

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time, and the Committee negatived, it would not, he trusted, appear to be very extraordinary that he should not have opposed it before it was known to be proposed. His Lordship then proceeded to state the making it lawful for the Company to declare a dividend upon the last half year after the rate of eight per cent. per annum at the present moment to be an unwise, unwarrantable, and probably an unjust exercise of legislative authority. He reminded their Lordships, that the House was as yet perfectly ignorant of the state of the Company's affairs, and asked, whether the noble Lords present would think themselves justified in giving their sanction to the Company's making a dividend to that extent, while they had yet to learn how far the affairs of the Company would justify such a proceeding? He remarked, that a Committee of the House of Commons had been appointed to examine the Report of the Directors of the East-India Company, and that Committee had actually made a Report upon the object of their investigation. With that Report upon the table of the other House, with what face, he asked, could the authors of the bill call upon their Lordships to assent to a bill, with a preamble, worded as the preamble of the present bill was? He asserted, that the recital, that there had not been time for the consideration of Parliament with regard to what the state of the East-India Company's affairs really was, and how far their situation could warrant their making a dividend of four per cent., was unwarrantable, and, in fact, devoid of truth. He appealed therefore

therefore to the House, whether it was consistent with the dignity of their proceedings under such circumstances, to adopt the bill then under consideration? In order to strengthen this appeal, he urged it to the plain sense and understanding of their Lordships, that the East-India Company could not divide at all, but either from their own money, the state of their affairs being so prosperous, that it afforded them a sufficient surplus over and above their debts to answer and justify the sum divided; or they must divide the money of the Public, or the money of their creditors. In respect to the first of these, had it been made appear, that the Company was in a condition to divide four per cent. upon the past half year? By the existing Act of Parliament, the Directors were obliged to lay a complete state of their affairs, to the 31st of March, in each year, before both Houses. Was any such state upon the table of either House, or would it be pretended, that the Company could, under their present circumstances, so state their affairs, as to shew to the satisfaction of their Lordships, or of any indifferent individuals, that they had a clear surplus equal to the amount of a dividend of four per cent. upon the past half year? Undoubtedly no man would be so rash as to venture to assert, either that they had presented, or that they could present, such a statement of their affairs as he had described. That being the case, was it meant that the Company should be permitted to divide so much of the public money, as the amount of the sum which the bill authorised them to divide? If it was, why not avow it? In

either case the truth ought to be stated. Should the situation of the Company's affairs appear not to be such as the existing law required them to be, before they come to Parliament for a bill to authorise a dividend of four per cent., that ought to be recited in the preamble, and a reason assigned, why Parliament nevertheless declared such a dividend lawful as the bill meant to authorise. If, on the other hand, it was meant to assist the Company with the public money, the purpose should be declared, and a fund provided for the supply of the sum necessary. With regard to the third idea, that of sanctioning the East-India Company to make a dividend out of the money of their creditors, there was something so enormous in the proposition, that he could not for a moment suppose the House willing to connive at a matter which amounted to a gross fraud, and a direct robbery. His Lordship enlarged on this part of his argument, and stated the possibility of its appearing, when Parliament had gone through the consideration of them, that the Company's affairs were far from prosperous. He asked, would that House choose to commit itself so far as to have authorised a bankrupt to make a dividend out of the money of his creditors, instead of out of the clear and unincumbered produce of his own estate? Was the bare possibility of having lent the authority of the Legislature to such a procedure, to be endured for a moment? Another ground of objection, his Lordship said, occurred to him, which impressed his mind with equal force, with what he had observed already,

already, and that was, that the present bill declared it to be *lawful* for the Company to make a dividend not exceeding four per cent. By this declaration the bill clearly exempted the Court of Directors and the Company from any responsibility, should it hereafter appear that the affairs of the Company were by no means in a condition to afford a dividend of four per cent. Was that a proceeding, of which their Lordships were aware; and was it to be presumed that they were prepared to take upon themselves the justification of a measure which might eventually turn out to have been improvident, dishonest, and inequitable? He assured their Lordships, that he did not colour the case too warmly or too strongly. Let any individual Peer, when he left that House, coolly and soberly consider the import of the act, and what it was that it declared to be lawful; and then let him ask himself, if under all the circumstances of the situation of the East-India Company, as far as he could have knowledge of them, as a member of that House of Parliament, he was convinced he had a right to declare it lawful for the East-India Company to make a dividend upon the past half year, after the rate of eight per cent.? Having urged this very forcibly, his Lordship observed, that one argument, used elsewhere to prove that the present bill ought to pass, had been the mischief that would accrue to the credit of the Company, and, through its sides, to the credit of the Public, if the bill should not pass, or if the Company should not be allowed to make the same dividend they ordinarily had done. To this argument

argument he was by no means willing to subscribe. The credit of the East-India Company, the credit of an individual, or of any Company, or body of men employed in mercantile affairs, did not depend upon declarations of Parliament. It was not the parchment in the hand of the noble Lord upon the wool-sack that would establish the credit of the East-India Company. Whenever the credit of a Company, or of individuals, engaged in mercantile concerns was impeached, or suspected to be tottering, the plain and ordinary mode of proceeding was to shew the real state of their affairs, and to prove from facts, that they were in a prosperous way; if assistance was necessary, the proceeding was similar; honest men always explained the real condition of their circumstances, and by that means enabled their friends to know how they could be best supported. To say, therefore, that the bill was necessary to be passed, on the idea that the credit of the Company depended upon the Legislature's authorising them to declare a dividend of four per cent., was equally idle and absurd. His Lordship reminded the House of former Acts of Parliament, relative to the dividend of the East-India Company, by some of which they were restrained to a dividend after the rate of six per cent. per annum, and contended, that their credit was at least as high then as it was at present. After adding a great variety of arguments, his Lordship drew back the attention of the House to this position, that if the Company could not shew, by a state of their affairs, that they were able to afford a dividend of
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four per cent. they must either divide the money of the Public, or the money of their creditors. Since no account of the state of their affairs had been submitted to the Lords of the Treasury, made up to the 5th of March last, proving their ability to make any dividend; he said it must be concluded, either that the Directors could not, by any general statement of their affairs, prove such ability; or that they had been guilty of a gross neglect and delinquency, in not having complied with the act of Parliament, which expressly ordered such an account to be presented to the Lords of the Treasury, on or about the 5th of March in every year. He was not inclined to believe they deserved the latter imputation; and, therefore, for the reasons he had stated, he declared he should give his negative to the bill.

The *Lord Chancellor* left the woofsack to state, that he did suppose it must have been owing to the reasons described by the noble and learned Lord, that an opposition was made to the bill in that stage of it. The fact, he was ready to admit, was, that the noble and learned Lord had not known that the bill had been read a first and second time, and stood for a third reading that day; because he did not believe that the noble Lords he saw present could be prevailed on to join in an attempt to take the House by surprise, and by such means not only defeat a bill of infinite importance to the East-India Company, and consequently to the Public at large, but make an express declaration to Parliament, that the affairs of the East-India Company were in a tottering condition,
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and thus destroy the credit of the Company at one stroke. His Lordship then proceeded to notice what had fallen from Lord Loughborough, and charged the noble Lord with having given a false representation of the preamble of the bill. The preamble, he said, did not state that there had not been time for Parliament to go into a consideration of the state of the East-India Company's affairs, but what was undeniably the fact, and which no man could controvert, viz. that there was not now time for Parliament to go into such a consideration, before it would be absolutely necessary that the Company should be authorised to declare a dividend. With regard to the ideas suggested by the noble and learned Lord, that the Company was to be governed by petty mercantile rules, and that they were not warranted to come to Parliament for a bill, enabling them to make a dividend, unless they would prove by their cash account that they had a sufficient surplus to answer such dividend, nothing could be more narrow, or more inapplicable to the case. Every body that knew any thing of the great and extensive commercial concerns of the East-India Company, and how much the interests of the Public were complicated in those concerns, must be aware that for them to be governed by such a limitation to the petty mercantile rules of private and individual traders, was actually impossible; and that neither the East-India Company, nor any other Company, trading in a manner equally extensive, could go on for a single year, if they were restrained from making a dividend, excepting

cepting only when they were enabled to prove, that they had a surplus in their cash account equal to that dividend. That the Company was not just at this moment in as flourishing a condition as it had been at any given period, was a circumstance not to be ascribed to the Company as a fault; they had unhappily partaken of the general calamity in which the *unfortunate wisdom* (he would not call it by a harsher word) of the Councils, which directed the affairs of the kingdom during the war, had involved the whole country. In consequence of this, the Company's cash account might not appear upon the face of it to justify a dividend of four per cent.; but it was not from that, but from a general view of their affairs, from such appearances of present merchandise, and growing profit, as would satisfy reasonable men, that the Company were to be deemed capable of making their dividend. His Lordship said, he was not one of those who felt extremely happy at the agitation of the affairs of that great Company in Parliament; he was of opinion, that little good had arisen from the proceedings of either House upon the subject of the East-India Company's concerns; and sure he was, that infinite mischief had nearly been incurred by some well-known proceedings in the last Parliament, and infinite mischief would that day result, if the present bill was to be thrown out by a sudden, unexpected, and unusual opposition. The credit of the Company undoubtedly did not depend upon the words of a statute, nor upon the parchments upon which those words were

written. An argument so idle and so foolish, no person would pretend to advance ; but he must be a very shallow reasoner indeed, who should contend that the credit of the Company would not be very materially affected, if they were prevented from making a dividend. Throw out the present bill, and down go the East-India stock directly ; the credit of the Company would be sunk and buried, without any provision for its resurrection. The bill, his Lordship observed, was a bill of course, which stated what was strictly true, that there was not time for Parliament now to take the affairs of the Company into their consideration, so as to declare what dividend the Company was warranted to make ; and having by a prior bill restrained the Company from making a dividend without the authority of the Legislature, the Legislature by this bill took off that restraint ; but it did not order a dividend of four per cent. ; it left it to the discretion of the Company and its Directors, to declare what dividend they thought proper. Not that, he hoped, the Directors would think the present a fit moment so to exercise their discretion, as to refrain from making, to the full extent, such a dividend, as the prosperity the countenance their affairs at present wore would warrant. In answer to the arguments, that the affairs of the Company might turn out hereafter not to afford their dividing eight per cent. per annum, he reminded the House, that the present bill did not go that length. It merely authorised the Company's dividing not more than four per cent. for the past half

half year, and left it open to the wisdom of Parliament to say what dividend should be made for the half year to come. His Lordship mentioned the Company's having been allowed to divide four per cent. by the last Administration, without any member of either House's thinking it necessary to oppose the bill authorising such a dividend. He mentioned also, that four per cent. had been the ordinary course of dividends that had obtained for several years past, in time of war, and in time of much greater risque and danger than at present. Upon these observations he grounded several arguments, and declared, that he had been perfectly astonished to hear the present bill treated in the manner in which it had been treated; that he had not the most distant idea that there existed an intention to make opposition to it in the mind of any individual, because it was always usual to give some notice or intimation of such an intention, and in that case Lords were afforded an opportunity of coming prepared accordingly. The bill had been considered as much a bill of course in the other House, that he understood it had passed there without opposition, the reasonableness of it, as well as the necessity, being universally understood and admitted. This had led him to suppose, it would as little excite opposition within those walls; he had, therefore, felt himself called upon to speak to the question of a sudden, just upon the spur of the moment, and without having had time to make himself master of the subject. This, he said, must account to their Lordship for

the loose manner in which he had reasoned upon the bill. Had any, the shortest notice been given of the intention of the noble and learned Lord to oppose the bill, had he only had two hours previous information of it, he would have spent those two hours in preparation, and in endeavouring to furnish himself with arguments better worth their Lordships' attention. He hoped, however, what he had suggested, loose and irregular as it had been, would be sufficient to induce their Lordships not to object to a bill so necessary to the support of the credit of the East-India Company, with which the credit of the nation was so nearly connected.

Lord *Loughborough* said, the noble and learned Lord and he spoke precisely under similar difficulties; for he had not had more leisure to prepare himself than the noble and learned Lord; but when he felt it to be his duty to object to the bill, it had been the farthest from his thoughts of all possible things that an objection could be taken to what he should have to say, on the grounds that he had not opposed the bill sooner. He assured their Lordships upon his honour, he had not an idea of the bill's being to be read a third time by their Lordships that day, till he saw it in a newspaper that very morning. On Friday he knew the bill was in a Committee of the House of Commons, and he had no conception that the bill would be read a third time, and pass that House, so as to get before their Lordships the same day, nor was it till eleven o'clock in the evening, that he heard it was before them; on Saturday he had
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been engaged at Guildhall, and in the Court below, and his whole time had been so employed that day, that he had really been unable to turn to any of the acts of Parliament that had reference to the question, or in any way to prepare himself; what he had said, therefore, went upon such general ideas as suggested themselves on the first blush of the bill. He was far from imputing, either to the noble and learned Lord, or to any persons concerned in supporting the present bill, the smallest intention of acting unfairly, or of drawing Parliament into the passing of a bill, inconsistent with the dignity of their proceedings, or irreconcilable with the strictest propriety; but while he gave them full credit in these respects, he thought himself entitled to claim an equal degree of credit for his candour, and not to have the paltry idea of his wishing to take the House by surprise, imputed to him. The bill had proceeded with unusual rapidity. It had been read twice on the day it had been brought into the House, and committed, and read a third time, and passed there the very next day; and late on the same day, in a thin House, it had been presented to their Lordships, read a first and second time, and the Committee negatived. This happened no longer ago than Friday last; and on the very next day of their Lordships meeting, on the Monday, he had stated his objections. These were facts; and such having been the case, was he to be told of bringing on an opposition by surprise? It was an imputation to which he never would submit under such circumstances. Having made this declaration,

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his Lordship strengthened his former objections with additional arguments, and answered what Lord Thurlow had said in reply. With regard to the noble and learned Lord's remark, that the late Ministry had passed a bill enabling the Company to divide after the rate of four per cent. for the past half year, his Lordship said the reason was obvious; the Company had then complied with the existing act of Parliament, and by the amount of their affairs, made up to the 5th of March, it appeared, that they were able to make such dividend; the late Administration, therefore, had acted in a way perfectly regular in passing the bill. The case was widely different now; no such state of affairs had been presented to the Lords of the Treasury. His Lordship also answered Lord Thurlow's argument, relative to a cash account, declaring that he had not talked of a cash account, but of a general state of all their affairs, agreeable to the express directions of an act of Parliament. The credit of the East-India Company did not, he said, depend on their dividend, but upon their being able to satisfy sensible and unprejudiced men, that their affairs were not bad. Provided they could not prove this, even if they made no dividend for ten years together, he was persuaded the price of their stock would rise rather than fall, because the Public would be assured of their honest intention, and that at the end of the ten years, they should be well paid for their patience. In corroboration of this argument, his Lordship referred the House to a period, when the Company had actually received a degree of additional

ditional credit proved by a rise of stock, in consequence of having been restrained from making any dividend. After very fully defending his former speech, Lord Loughborough concluded with repeating, that he should give the bill his negative.

Lord *Thurlow* left the woofsack a second time, and replied to Lord Loughborough. He said the bill had been in Parliament near a week, and it had at least this merit over former bills, that it put it upon the discretion of the Directors, to declare any dividend, so that it did not exceed four per cent. This, he remarked, was an amendment proposed by a gentleman, a member of the other House, whom if it was necessary to name, he was persuaded their Lordships would hear named with great respect. In reply to Lord Loughborough's argument, that the credit of the Company would not be injured, if no dividend was declared for ten years, provided the Public were satisfied their affairs were good, and at the end of ten years they should receive enough to reward their patience — he declared he was ready to admit the fact to be exactly as the noble and learned Lord had stated, if the proviso could be made out; but did any body believe, that if the Company did declare no dividend, the Public would believe their affairs were good, and that the dividend would ultimately pay them sufficiently? Common sense and reason proved, that the moment the Company ceased to divide, their credit would cease to exist. In order to shew, that the bill's passing was actually necessary to the existence of the credit of the Company, he said,
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he had been just told, that on a former occasion, when the state of the Company's affairs was represented to be in as bad a condition as it was possible to suppose, Sir Henry Fletcher, then Chairman of the Company, had stood up in his place, and deprecated the lessening of their ordinary dividend, by declaring, that such a circumstance could not fail going directly to the annihilation of the Company. This being the case, could their Lordships for a moment entertain an idea of lowering the dividend now, when the Company's affairs were in a condition so much more prosperous than they were supposed to have been at the time in question.

Lord *Camelford* said, he always felt uneasy, when called upon, as a member of either House of Parliament, to discuss any question that concerned the private rights, either of a large Company or of individuals. He was satisfied, that nothing could warrant the interference of Parliament but the most urgent necessity. That necessity had impelled Parliament to restrain the Company from making any dividend to above a certain amount, without the authority of a special act of Parliament; such acts of Parliament had usually passed; and he was satisfied, if the present bill did not pass into a law, and the Company were not allowed to pursue the ordinary course of their dividends, their credit would be deeply wounded, and the most fatal consequences were to be dreaded.

Lord Viscount *Stormont* declared he rose for information. He begged to know from those in whose
 opinions

opinions the House had been accustomed to place implicit confidence, whether, if the present bill were thrown out, the Company could not make any dividend? If they would be disabled from making any dividend by the loss of the present bill, he said, he would certainly vote for it as it stood at present, notwithstanding he felt strong objections to the Company's being permitted to divide four per cent. under all the circumstances that had been mentioned. He reminded the House, of our having, as foreigners termed it, lost one of the wings with which we had been wont to soar so high, and warned them of the necessity of preserving the other. His Lordship expressed his surprise, at the extraordinary moment, as well as the extraordinary manner in which the bill had been brought into Parliament, and hurried through both Houses. He declared, he always thought a departure from any of the established forms and orders, not only affected the dignity of their proceedings, but was productive of much real inconvenience.

Lord *Thurlow* said, he was not prepared to answer the noble Viscount's question. With regard to what the noble Viscount had said, relative to a departure from the established forms of Parliament in their proceedings, he declared, that ever since he had the honour of having a seat in the House of Lords, he had not merely entertained great jealousy, whenever the necessity of the case rendered such a departure from regular forms indispensable, but great and serious uneasiness. He could not help remarking, however,

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that while a noble Lord, who in his absence he might be allowed to term as great and respectable a character as ever sat on the woofsack, did the business of Speaker last year, more bills passed in the manner alluded to, than perhaps ever passed in that way before; whence he was emboldened to conclude, that it was not always productive of the bad consequences the noble Viscount had described.

Lord *Loughborough* said, he was not prepared to deliver a formed opinion, upon the question which the noble Viscount had suggested; but he imagined the difficulty might be got over without the loss of the bill. The re-committing it would allow opportunity for altering the amount of the dividend from eight per cent. to six per cent.

Lord *Sidney* asked, if the bill could be re-committed, the question being "That this bill do pass?"

The *Lord Chancellor* said from the woofsack, undoubtedly not.

The question was then put, "That this bill do pass?"

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Proxies	-	9	Proxies	-	0
	-	28		-	9
Majority	-	-	-	-	19

The bill received the Royal assent by Commission the next day.

July 29.

The bill of Mr. Chancellor PITT was brought up from the Lower House, and was read a first time, and ordered to be read a second time on Monday the 2d of August. This was the day appointed for a General Thanksgiving; and there were few members in the house.

July 30.

In consequence of the India bill being read the day before,

The Earl of *Carlisle* rose up to complain of such sudden, unexpected, and unusual proceedings. On a day of thanksgiving it was not customary to transact such important business as the first reading of a bill of such magnitude, and the appointment of a day for its second reading. On such a day no business was expected; and when it was brought on suddenly, it wore the aspect of being brought on unfairly. The bill in question was most essentially different from that which had been first printed by the order of the House of Commons; and it required much more time than that which had been prescribed by a few of their Lordships yesterday, to understand, and to give it due consideration. He therefore moved, "That the order of yesterday, for the second reading of the India bill on Monday next, be discharged."

Lord *Sydney* touched, in a few words, on the advancement of the season; the magnitude and the urgency of the business which the bill had for its object; and, above all, on the notoriety of the principles of the bill. Although the bill had come before them in a formal manner, but recently, its substance and purport was not unknown to any of their Lordships; and if they were, they might soon be learnt. He therefore hoped that their Lordships would not reverse the order of the House for reading the India bill a second time on Monday next.

Lord Viscount *Stormont* considered the sudden and secret order of yesterday as indecent in the highest degree, and unworthy of their Lordships. The importance of the bill was immense; it destroyed, to a certain extent, trials by jury; it involved in it the fate of this country, and the lives of millions of our fellow creatures. It ought not by any means to be carried through with precipitation. It should be well weighed, and seriously considered, and the facts alleged in it examined and proved by undoubted evidence. At this season they could not avail themselves of the abilities and experience of different noble and *learned* Lords, who were necessarily absent. On other occasions, the advancement of the season, and the thinness of the House, were urged as pleas for delaying business, which, compared with what was before them, was merely a trifle. He entreated their Lordships to open their candid and noble minds to these considerations; and, on the whole, declared,
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that he most cordially seconded the motion that had been made by Lord Carlisle.

The Duke of *Richmond* said, that the India bill, which was ordered to be read on Monday next, was a very intelligible bill, and required neither any great efforts of industry, or brightness of genius, for a clear understanding of it. Although it was read only a first time yesterday, it was not, in any of its stages, kept a secret from their Lordships any more than from the world. They might have studied, or might now study it with great ease and advantage in their closets. The noble Lord had lamented the absence of certain learned Lords in the discussion of such an important bill as that for the government of India. His Grace too lamented the absence of the learned Lord, whom he supposed to be particularly pointed at, because that learned Lord would inform their Lordships how inadequate, according to the present system of governing India, punishments were to crimes, and how many enormities passed unpunished; the captivity and death of Lord Pigot, and the cruel mockery of 1000l. fine, by way of punishment, he doubted not, were vividly impressed on that noble and learned Lord's imagination, and would, by his eloquence, be communicated with effect to their Lordships. This, with other such enormities, called for a speedy remedy. There were urgent reasons for dispatch; none that he could see for delay. A former East-India bill had been still more precipitated than the present, if they considered that the subject of it was not then so well understood as it is now,
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and that it pointed at the most important revolutions in the Government of this country, as well as of India. That bill, so justly rejected, had been hurried with anxious dispatch from the House of Commons ; read a first time on the 9th of December, and ordered for a second reading on the Monday following. There was only a difference of two days, he observed, between the periods allowed for the consideration of a new, bold, and alarming bill, and one which, from long and much canvassing, was generally known, and perfectly consonant to the principles of our internal constitution.

Lord Viscount *Stormont* replied, in order, to every proposition that had been advanced by the Duke of Richmond. He declared, that although public rumour had brought to his ears many things in the new India bill, sometime ago, he was yet to learn, in many instances, its true meaning and import. From the incorrectness of printing, he supposed, and perhaps from too great conciseness, or it might be, too great copiousness of expression, there were many things in the bill which were to him wholly unintelligible. He observed too, that to read and understand a bill was not the only matter that was requisite to enable any person to form a judgement of its merits ; it was farther necessary, to be well informed concerning the foundation of those facts, and those opinions on which its principle as well as its several branches rested. That House, in his conception, was the proper place for their Lordships to obtain the evidence on which they should give their voices in great
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and dubious questions. As to what the noble Duke had said concerning the learned and noble Lord, whom he had supposed to be particularly pointed at, in what he had advanced, he assured the Duke, that he had no such specification in his mind when he expressed a wish that learned and noble Lords, now absent, had been present, or might yet be present at the discussion of such important questions. The learned Lord, to whom the noble Duke alluded, although his health was mended, would not, he feared, be able to attend his duty during the present session of Parliament. But it was not on the unintelligibility of the bill, or the absence of the noble and learned Lords, or both these circumstances united, that his Lordship had rested his plea for a delay of the second reading of the bill in question. The principle of the bill demanded deliberate consideration. He had not been wholly inattentive, for some years backwards, to India affairs, and he had not been without the means of receiving some information concerning them. That the management of the Court of Directors had been the ultimate source of our disasters in India, he conceived to be a matter that was notorious, and agreed on by different and opposite denominations and descriptions of men; yet the bill that was the subject of the question before them, was to devolve the Government of India into the same weak hands that had, for so many years, thrown and kept them in a dangerous confusion. The *wolf* was again to be the shepherd of the *stock*. The Hindoos were to be pillaged and fleeced as formerly. This was the
remedy

remedy that was to be applied to evils that were considered as extreme, and applied by men who had disclaimed all palliatives! — He insisted again on the indecency of carrying through the House a bill of such vast importance. There was a malignity, he said, in this, as in all other countries, which would put the least favourable construction on all public measures, where their justice and propriety were not so apparent as to exclude all comment and conjecture. It was fit that their Lordships should obviate all invidious interpretations by the openness, the equity, and the candour of their conduct. If the bill should be carried through the House, the world would say, that it would not bear a leisurely discussion. If it were seen only by a side view, it would be said, that its fabricators were afraid to exhibit it in full prospect. With regard to what the Duke of Richmond had said concerning the precipitation of a former bill, Lord Stormont said, that only there was a difference of time in the intervals between the first and second readings of the two bills; but that the first India bill (he meant Mr. Fox's,) had been fully and ably discussed in a very full House, on its first reading.

Earl Ferrers spoke a few words on Lord Carlisle's motion.

The *Lord Chancellor* assured Lord Stormont that he rose to speak on the subject before them, merely from a desire to remove his Lordship's scruples, and to satisfy his feelings, and not from any apprehension that the dispatch with which it was proposed

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to carry the bill through the House, even with the aid of his Lordship's observations, would make any unfavourable impression in the world. The world, he said, was not apt to judge concerning the measures of Parliament, or any measures, by such nice distinctions and formalities as occurred to his Lordship, but by the obvious and plain aspect under which they naturally appeared to the plain good sense of the bulk of mankind. The principle of the bill, he insisted, was well known. A long-continued investigation of its subject had awakened the minds of men to give it a very serious attention: even the debates in both Houses of Parliament on another bill, had sharpened their minds, and prepared them to see with a glance of the eye, the features of this. The noble Lord who had spoken last, he was positive, perfectly understood the bill; and, he doubted not, was above the affectation of cancelling or denying his knowledge. Much had been said concerning the precipitancy with which the bill was carried through the House. If the principle of the bill was understood, as it certainly was, where was the use of delay? All the clauses in the bill, which would be understood or explained in a trifle of time, were intended to give efficacy to that principle, and their propriety or impropriety could be judged of, as it was upon the spot — He acknowledged, that if certain noble and learned Lords were present, and particularly a learned Lord at the head of a great court of justice, they might furnish some new information, and certainly could carry on very able and ingenious debates. But,

in his opinion, sufficient information had been already obtained; and the paths, in which they ought to tread, were sufficiently apparent. It was true as Lord Stormont had observed, that the last East-India bill, the bill that had been rejected so justly, and with such universal approbation, had occasioned a long and full debate on the first reading. But what was the subject of that debate? On what point did it turn? Not on the merits of the bill, but on another matter, namely, whether certain papers or evidence should be produced by the East-India Company, and taken into consideration by their Lordships. The merits of the bill might be touched on by way of digression, but they were not formally, nor substantially, nor to any purpose of legislation, before them. A mighty stress, his Lordship observed, was laid on a difference of two days. The former East-India bill was read a first time on *Tuesday*, and ordered to be read a second time on Monday. This is read on *Thursday*, and ordered to be read a second time on Monday. Let us now see whether there is not such a difference between the two bills, as does more than compensate this difference of the times allotted for their consideration. The first bill aimed at two most important and most fatal resolutions — the one a violation of the charter, and the seizure of the property of an opulent, a numerous, a respectable, and an useful body of our fellow subjects: the other an innovation in the balance of power and the Constitution. Seven Commissioners were to be appointed, who were to be invested with a portion, and a very great portion

tion too, of the power of the Crown, as well as with the management of the affairs of the East-India Company. They were not only to be better *politicians* than the Court of Directors, but better *tradesmen* too. The effects of the Company, therefore, were to be put into their hands, as if they had been lunatics or children — These were serious doings; for if the property, or, which is nearly the same thing, the management and use of the property, with the influence which that management and use bestows in society, be taken from any men, or body of men, and vested in other hands; if these things are permitted, where is the reverence due to justice? Where is the security of property? Where the protection of law? But if we consider the power and patronage that would have accrued to the Seven Commissioners, the prospect is still more darkened, and the danger brought home more sensibly to every breast. As to what the noble Lord had said, of the bill involving the fate of thousands and of millions of our fellow subjects, whatever it might do eventually, it did not, at present, appear to deserve such lofty description.

Concerning the Judicature Bill, and the trial of culprits, not by juries, but in a more summary manner, he observed, that there were now denominations of most valuable and respectable British subjects in that very predicament; he meant the military and naval officers as well as men. As the common law of England was inadequate to the enforcement of military discipline, so it had been found inadequate to the punishment of offenders in India; and the same

principle of public utility and general expediency would justify another mode of trial in both cases. He allowed, that where a bill was obviously repugnant to justice and sound policy, it was a species of injustice and folly to allow it to pass, even through the first stages; but no such injustice or folly appeared in the face of this bill. The noble Lord had spoken of the notorious misconduct of the Court of Directors; but whereon was the notoriety of their misconduct founded? This was taking for granted what ought to have been proved. His Lordship concluded with declaring, that, in his opinion, the world thinks that the bill for regulating the affairs of India, had already undergone as much parliamentary discussion as would do it good.

Lord Viscount *Stormont* charged the Chancellor with deviating from the question before them to the merits of the bill. He still declared, that he did not understand it — The case of military and naval men, he alledged, was not in point; for these esteemed it an advantage to be tried by honourable men of their own profession; and the situation and characters of the persons comprehended in the bill, he would be permitted to say, were in many essential respects different from those of military and naval officers. He would not enter into any other grammatical discussion concerning the etymology of the word *notorious*, than just to observe, that, in his conception, that was notorious, which was *notum omnibus, known to all men*: According to this definition, the misconduct of the Court of Directors was notorious. It was
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acknowledged by men of different denominations and descriptions. He would only trouble their Lordships with two instances, as proofs of what he asserted — The first was the assertion of Lord Clive, in a speech in the House of Commons, in the year 1772, and which was afterwards printed. Lord Clive had said, that “the British establishments in India had grown too great for their original institution; and that a new system was indispensably necessary for their right government.” The other was a declaration to the same purpose, of Governor Hastings (but he could not be so particular concerning the date) in a letter to Lord North, which letter, he understood, had been quoted on different occasions in another House. He allowed all the respect that was due to the character of most respectable merchants in Leadenhall street: but it was no imputation on the character of those men to say, that they were unequal to the task of governing an empire, GREATER THAN THAT OF RUSSIA. To this task they had proved themselves unequal — They wrote like angels, but they acted like women and children, in a weak, timid, irresolute, and contradictory manner. The orders of this month countermanded the orders of the last — They changed their system according to every representation; they fluctuated with the varying wind. And think not, my Lords, lightly of the present bill, or that, if it will do no good, it will do no harm. New laws are not such indifferent things as to leave matters in the state in which they found them. If the
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lenitives you prescribe fail of curing the distemper, they will foster it —

Exuberat magis

—— Crescitque medendo. ——

The learned Lord had argued, that the former East-India bill which had been rejected, had been fully as precipitate as this. Granting that it had been so, they ought not to imitate its precipitation. The present bill ought not to be considered on a comparison with the last, but at large, and on its own merits.

The *Lord Chancellor* in reply, said, that if he had deviated from the merits of the bill, he had not done so, before he was invited and called upon by the noble Lord's example. He wished that he might be indulged in the liberty of cross examining the noble Lord, who, by fictions concerning errors in printing, and otherwise, had fallen upon a very ingenious and elegant method of calling the bill nonsense. If he possessed such a privilege, he would ask him, How many minutes he took to find out, that the different clauses of the first printed bill were unintelligible, or, in other words, nonsense? He presumed, that very little time had been necessary for this purpose. And the same quickness which had enabled the noble Lord to discover such inconsistencies in that, would enable him, which he doubted not but he would do, if he found any in that before them.

Lord Viscount *Stormont* enforced a-new some of his former arguments; and, in conclusion, apologized

gised for trespassing so much on their Lordships time and patience. But, he said, he conceived it to be his duty to oppose, to the utmost of his power, the precipitation of a bill, on the wisdom or folly of which, the preservation or fall of our possessions in India, and even of Great Britain itself, depended.

On a division of the House, there appeared for Lord Carlisle's motion,

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Adjourned.

August 2.

The order of the day for the second reading of the East-India bill, and for their Lordships to be summoned, having been read,

The Earl of *Carlisle* rose, and reminded the House, that he had a day or two since endeavoured, in vain, to prevail upon such Lords as were then present, to postpone the order for the second reading of the East-India bill for a few days longer, that noble Lords might have time to examine the contents of a bill of such magnitude and importance, so as to make themselves perfectly masters of it before its principle came under discussion. In answer to this requisition, which he thought a candid and a reasonable one at the time he took the liberty of offering it, and to which there had scarcely ever been an instance of a denial, it had been objected, that when another bill on the same subject had been brought in before Christmas, not more time had been

been allowed than now. In order to let the House judge in which of the two cases the conduct of those who had been the parents and supporters of both bills, had acted most candidly, he would state the particular circumstances of each transaction. The bill before Christmas had been brought in on the 9th of December, (a Tuesday) and it had been met by a remarkably full House, in which, even upon its first reading, it had been amply debated for several hours. The second reading had been moved to take place on the Monday following, which was allowing nearly a week for every Lord to consider its contents; and it was to be remembered likewise, that the second reading had been moved, and Monday appointed for that purpose, when the House was full, and after a long debate. Between the Tuesday and the Monday, the Company petitioned to be heard against the bill by their Counsel. The prayer of the petition is granted; Counsel are heard on the Monday; they adduce an infinite quantity of evidence, and at last, at a late hour, tell the House they are tired, and beg to have leave to withdraw, and to finish their case the next day. This is debated, and though it was argued that such a requisition was contrary to all precedent, that to accede to it would be to sacrifice the dignity of the House, and to act at the will of Counsel, yet the request is complied with, and the debate upon the principle does not take place till two days afterwards. This, his Lordship observed, had been the features of the case, when the East-India bill had been brought
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into the House before Christmas. Let their Lordships see, how far those that had marked the introduction of the present bill corresponded with them. The bill was brought up on a day generally understood to be set apart for business of a peculiar kind, and it appeared from the books, that very few Lords had been in the House; why more were not present, was a matter wholly out of the question. The bill, in that remarkably thin House, was read a first time, ordered to be printed, and to be read a second time on the Monday following, which was but at three day's distance. In order to get the bill printed in time, the clerk had been obliged to tear the copy in pieces, and thus hand it in parts to the press; and after all this unusual, he might almost say indecent, hurry, noble Lords were called upon to give their opinions upon the principles of the bill, before they had held the copy of it long enough in their possession, to be able to do more than read it cursorily over. These were the naked facts that had attended the introduction and conduct of the two bills in that House: let them speak for themselves, and let the House judge from the facts, which, he believed, he had detailed with tolerable accuracy; at least, as far as his memory would serve him, he had done so; let their Lordships judge from simple facts alone, unmixed with any reasoning of his upon them, in which case most candour and fairness, and in which most precipitation and hurry, had been practised. Having said this, his Lordship declared, he would, as well as he was enabled to

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do, from a cursory perusal of the bill, and a consequently slight consideration of its various clauses, just touch on one or two essential parts of the bill, and say a word or two to its general principle. He took the aim of the bill to be, to confirm and establish the Government of India in the hands of those, whose weakness, whose want of decision, and want of capacity to govern India well, had made the ground of the necessity for the State to interfere, on every occasion in which it had interfered, since the first act of Parliament had passed upon the subject. In that view of the principle of the bill, he could not but entirely disapprove of it, and when it was pretended that the Directors would for the future act more wisely, more firmly, and more ably than they hitherto had done, because that now they were to be subjected to a Board, as it was called, of Control and Superintendence, he could not but feel it as a mockery of common sense. How were the Directors *subject* to this Board of Control? To what punishment, or to what censure were they obnoxious, in case they refused to obey the orders of the Board? In the bill there was no penalty stated to oblige them to comply with the directions of the Board of Control, nor did it make them amenable to any jurisdiction whatever. The bill, therefore, provided a Board of Control and Superintendence without investing it with the necessary powers to enable it to control that other Board over which it was appointed to superintend. Here then was a special remedy for weakness in Government! two clashing
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jurisdictions ; the one confessedly incapable of acting decisively itself, and the other incapable, from its ill construction, to oblige the former to act decisively. His Lordship put this very strongly ; and next observed, that the Board of Control were to state their reasons in writing, when they differed from the Court of Directors. These reasons, he said, must be curious, and, in general, he presumed, they would be nonsensical, because they must necessarily be written in the dark. He afterwards remarked, that if any difference of opinion arose between the new Board and the Directors upon the point, whether the matter was civil or military, or merely commercial, that then there was to be an appeal to the Lord knows who—the King in Council ; in other words, the King and the identical Board of Control. He then said, exclusive of the objection he saw to the bill on the ground of inadequacy and inefficiency, with regard to a better government of India, he never could give his consent to a bill which instituted a new mode of judicature without the intervention of a jury. His Lordship reminded their Lordships of the institution of the High Commission Court and the Court of Star Chamber, tribunals introduced originally for plausible purposes, but which, from the latitude of abuse of power that they afforded room for, became at last so universally complained of as tyrannous, oppressive, arbitrary, and unjust, that with common consent they were decried and abolished. What had happened once might happen again ; evil examples ought, therefore, his Lordship observed, to be wa-

rily avoided; for this reason, before he could listen for a moment to a proposition for the introduction of a judicature, so abhorrent to the genius and spirit of our free and excellent Constitution, and so abhorrent to every one of its principles, he should expect to hear it proved in argument that there was an incapacity in juries in future to try the sort of crimes to come before the new tribunal, or at least to have it clearly shewn, that juries had been found incapable to try them hitherto. This, he did not doubt, but he should that day hear from those who were to be considered as the parents of the bill; and he presumed he should likewise learn from them, that the jury that tried the persons accused of the arrest of Lord Pigot, had shewn itself incompetent to its office. These things must be made out before their Lordships ought to be induced to assent to the institution of a tribunal, so new to the country as a trial without the intervention of a jury. There were besides, he said, other considerations and other doubts, which the proposal to institute such a species of judicature naturally excited, that required to be explained. According to the bill, a certain number of the members of that House, and a certain number of members of the other House of Parliament, were liable to be put upon the new Court of Judicature. How was this to effect their natural and constitutional parliamentary functions? After they had both sat as judges and jurymen of the new tribunal, were they again to act upon the same cause in the different capacities of jurors in the
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one instance, and judges in the other? Were those of the Commons who had made a part of the new judicature, to go back to the finding of an impeachment, and the management of the cause; and were the Peers to act again as judges? This doubt the bill did not attempt to elucidate or remove. On that account, and because he by no means approved of the sort of control about to be set up; which was in fact, confirming the Court of Directors in the full possession of that, to conduct which, with any good effect, either for the natives of India, themselves, or the Public, long experience had proved them to be utterly incapable; his Lordship declared he was by no means inclined to think the bill such, as was adapted to the circumstances of the case, or such as would be attended with any very salutary consequences. He reminded the House of the present Administration having called out for no palliatives! No half measures! preparatory to the introduction of the East-India bill agitated before Christmas; and asked whether the present bill was pretended to be an whole measure? Had more time been allowed, he said, he would have endeavoured to have considered the subject more deeply, and to have gone into the discussion of it more fully; circumstanced as the case stood, he declared, he would not object to the second reading, or propose any specific motion to their Lordships on the subject; but he yet hoped, those who meant to stand forth as the parents and patrons of the measure, would, if not from motives of candour, at least from principles

ciples of regard to what was due to themselves, allow a few more days, before they moved the second reading; he added, that it really was not his wish to create unnecessary delay, he desired only the pause of a few days.

Lord *Walsingham* stood up to address their Lordships, and was just beginning his speech, when the *Lord Chancellor* asked him from the woolstack, if he meant to oppose the second reading? Being answered in the negative, his Lordship put the question, "That the bill be read a second time?"

Ordered, and the bill was read accordingly.

The *Lord Chancellor* then put the question, "That this bill be committed?" Ordered. He next put the question, "That this bill be committed to a Committee of the whole House?"

Lord *Stormont* then rose and said, he had conceived, that the debate on the principle was to have been taken previous to the second reading. To put the question thus suddenly, though he would not say, nor did he believe, it was so designed, yet he would say, it had a direct tendency to irregularity and surprise. He wished, therefore, to understand, at what stage of the business the debate on the principle was to be held?

The *Lord Chancellor* said, that he had put the question fairly, and therefore there was no ground whatever for an insinuation, that he meant any thing like surprise. Their Lordships were his witnesses, when he put the question, "That the bill be now read a second time?" whether he had not paused, and
looked

looked round him to see if any noble Lord wished to rise. In order therefore to avert the possibility of its being supposed that he had any intention to take the House by surprise, he begged leave to inform the noble Viscount, that the question he was going to put was, "That this bill be committed to a Committee of the whole House?"

Lord *Stormont* said, what he wished to know was, when the debate on the principle was to be taken, as he had something to say upon that subject.

The *Lord Chancellor* said, he did not know that it was the practice of the House so rigidly to adhere to the particular nature of any of its questions, that either of them would preclude any noble Lord from making a speech, which he might have prepared upon the subject of that bill, or any other. The question he was then going to put, was a question consequent upon that he had just put, and which their Lordships had ordered. It followed therefore as a question of course, and after that, it would be moved, "On what day the bill should be committed?" Upon that question any noble Lord would have an opportunity of rising and making a speech if he thought proper. His Lordship then returned to the woolsack, and put the question, "That this bill be committed to a Committee of the whole House?" Ordered.

Lord *Sidney* rose to exculpate himself from an imputation, which he did not, he said, feel himself inclined to submit to. Insinuations had been thrown out, that he had acted with precipitancy and want
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of candour and fairness in having on Thursday last moved, "That the bill be read a first time," and after it was so read, with having moved, "That it be printed, and read a second time on the Monday following." Lord Sidney said, it was true he had not long had the honour of a seat among their Lordships, but he believed it was no unusual thing for motions to be made in the House for bills to be read a first time, on the day on which they were brought into the House. That motion having been consented to, it was natural to move the two others; and he really had imagined, that considering the very advanced period of the session, and considering how much the affairs of India had undergone discussion in the course of that and a preceding session, there was not the least ground of complaint for want of candour in such conduct. With regard to the noble Lord's not having had time to understand the subject, it might suit the purpose of debate to say as much; but he could not think so meanly of any noble Lord's abilities and discernment, as really to imagine that was the case. At least, he was of opinion, that if he was to charge any noble Lord with not being able to make himself fully master of a bill, a printed copy of which each noble Lord might have had in his hand, for sending for, some days, that noble Lord would consider his hinting a suspicion of the kind as an insult. Having declared this, his Lordship moved, "That the bill be committed to a Committee of the whole House on Wednesday next."

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Lord *Stormont* said he was particularly happy to take up the debate on that question; and though he did not wish to *make a speech*, as the noble and learned Lord had phrased it, he certainly would take the liberty of delivering his sentiments upon the principle of the bill, and upon a few of the clauses in which its principle was brought into particular operation. With regard to what had been said by the noble Lord who had just sat down, as to his not having so mean an opinion of any noble Lord's understanding, as to suppose, that he could not have made himself fully master of the subject, and have perfectly understood it by this time, he was free to confess, that he came under that description, as he found himself far from competent to decide upon the bill after the cursory perusal that he had been able to give it; he wished, therefore, that the day of committing it might be postponed till next week. His Lordship begged to be understood as not objecting to the commitment indefinitely, but merely objecting with regard to time, and farther time he hoped would be granted. Having said thus much, his Lordship proceeded to suggest such observations as had occurred to his mind upon the subject; and first he spoke generally upon the grounds of the bill, the necessity for it, and the consideration how far the bill applied to the necessity of the case. He said, the crimes and enormities that had prevailed in India, to the great oppression of the natives, and the disgrace of the British name, had their origin in the *thirst of avarice*, and the *lust of power*, the two

worst passions that could possess the human mind, where the temptation to gratify both in an inordinate degree, were strong, and the means of preventing or punishing any of the practices resorted to for their furtherance, were weak and difficult, from the great distance of half the globe intervening between Great Britain and India. In order to meet this evil, and effectually to remedy the inconveniencies it gave rise to, a variety of projects had been formed for the better regulation of the Government of India. He had no scruple to declare it to be his decided opinion, that the only remedy likely to prove effectual, and to answer all the purposes of binding the interests of the natives and of our fellow subjects in India, and the interests of the East-India Company, and the Public, in one common, firm, and permanent chain of prosperity, was to form a strong Government in India, subject to the check and control of a still stronger Government at home. How far the present bill was calculated to provide for these objects, should be the point to which he would direct the remainder of what he had to submit to their Lordships. With regard to the former part of his position, viz. the formation of a strong Government in India: from what he had already said, it was almost unnecessary for him to add, that the clauses he most approved in the bill, were those that set up a supreme head of Government in Bengal, to which the clauses he alluded to, rendered the Government of the other Presidencies of Madras and Bombay subordinate and amenable. Of that he approved; but though
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the giving the Governor General a degree of additional power, and an actual superiority over his Council, was right in itself, he thought it was done in an awkward manner; that which was in itself proper, he held ought ever to be done, not by a side-wind, not by implication, and not in a concealed manner, but directly, clearly, and explicitly. Why give the Governor General superior power by reducing the number of his Council from five to four? Why not keep it as it was, and let the Council stand five, since that must be an awkward Governor General indeed, who could not contrive to have one of the Council with him in all his measures. Approving, however, as he did, the giving the Governor General, in fact, superior power, he did not approve of the weakening his responsibility, nor of those of the subsequent clauses that went to a point, which had, he understood, been assumed as a merit; he meant the clauses enacting that "all promotions and advancements of the officers and servants of the said United Company in India, as well civil as military, should be made according to *seniority* of appointment, in a regular *progressive succession*." This rule, his Lordship said, would not only operate to damp the ardour of emulation, to check the rising spirit of the youth now in Asia, and sink aspiring genius, and active ability, to the level of dullness and incapacity, but was particularly ill suited to the present situation of affairs in India. In illustration of this position, his Lordship stated, that the command of the black troops, a battalion of sepoys for instance, differing widely, as they did from Europeans in lan-

guage, in manners, and in religion, was a difficult situation, and such an one as nothing but experience acquired adroitly could fit an officer to hold with honour to himself, or with advantage to the peculiar local interest of the Company, or the general interests of Great Britain. Hitherto, young men of minds anxious to acquire rank in the service, and earnest in their honest pursuit of promotion, made it a custom to mix with the sepoy, to familiarize themselves to their prejudices, to study their partialities, and learn how they might be best induced to feel not only a common interest with their European commander, but how it was most likely for them to be rendered obedient to orders, and subordinate to their stations; in other words, submissive to discipline. When the clauses, to which he was addressing his observations, came to take effect, this practice would prevail no longer, and of course all the beneficial consequences would be lost to the Company and the country. How black troops were to be commanded with safety by Europeans, who were not habituated to their humours, and were strangers to their manners, he was at a loss to imagine. They might turn Janissaries and draw their swords on their officers. Had such a clause been in effect in India at that period when Colonel, afterwards Lord, Clive, took the command of the Company's troops, it would have deprived the Company and the Public of the very essential advantages derived from the successful exercise of that officer's distinguished abilities; and in that case, in all human probability, it would not have been a subject
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for parliamentary discussion at that day, how the Government of India could be most beneficially regulated, for every inch of our territorial acquisitions would long since have been lost to this country. Having dwelt for some time on this point, his Lordship recurred to the former parts of the bill, that providing the form of Government to be established at home; and in regard to this point, he said, the noble Earl who had spoken on the subject before him, had so ably applied argument, that he would not do what that noble Earl had said, the injury that must result from his attempting to go over the subject again. The noble Earl had properly observed, that the general principle of that part of the bill was to confirm the Directors in the Government of India, though it at the same time set up two clashing jurisdictions, neither of them efficient, and both of them calculated to produce delay and controversy. This was an exact description of the new Board of Control and its powers, opposed to the old Board of Directors and the powers suffered to remain with them. It appeared to him, that in a very short time we should see the two Boards in a contest for superiority, the one studiously labouring at the framing of such directions as should thwart the obvious wishes of the other, and the other as constantly opposing those directions, and refusing to carry them into execution; and in such a situation, as the noble Earl had well asked, where were the compulsory means to be found in the bill to oblige the Directors to obey the Board of Control? With regard to the Directors themselves, with whom the originating

ing of orders in general was to remain, what might not be expected to be found in their orders? The variety of their orders, his Lordship said, reminded him of what Pere Pascal made the father of the Jesuits say, in his book, of the merits of his brethren: "There is nothing that the loosest casuistry, or the most direct morality may stand in need of, as an argument, that may not be found in the writings of our order." Just so with the orders of the Directors of the East-India Company. According to the best opinions upon the subject, their orders had, at different times, been as various as the dates of them; at some times a perfect system of ethics; at others, dictated by timidity, irresolution, and mutability; scarcely ever firm, manly, or decisive, and least of all consistent! His Lordship next remarked, that the new Board, in having the power of recal, had not a sufficient check on the Company's servants in India. A power of recal, when it was to operate on Ambassadors at the Hague, at Paris, or at Madrid, might be efficacious, because the operation would be short, and the effect immediate; but when the distance of time and place was so great as its arrival in India, it would be of little effect indeed. He ridiculed the idea of stating the reasons of a difference of opinions in writing, declaring, that from friendly and familiar *viva voce* communications from colleagues in office, he had often experienced much benefit and advantage; but the case would have been widely different, had his colleagues been obliged to detail their reasons for thinking either this or that

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particular way in manuscript. At length his Lordship came to that part of the bill, which, he said, was that in particular, that made a requisition of some farther delay, before the House went into a Committee upon it, perfectly reasonable : he meant the part relative to the institution of the new court of Judicature, respecting which he could not but point out the difficulty the House would be put into for want of those great, learned, and professional authorities, of which their Lordships were at present deprived. He had, he said, the greatest deference for the authority of the single law Lord that remained with them ; no man bowed more willingly to that noble and learned Lord's opinion than he did ; but in a point of so much magnitude, in a circumstance so new to the British constitution, so foreign from its most known and admired principles, he could not consent to submit to any one opinion, however eminent, however deservedly respected, however generally revered, however universally esteemed ! He would, in such a case, trust no man's *ipse dixit*, not even that of Pythagoras himself ! The noble and learned Lord, therefore, must excuse him, if without meaning any the most distant impeachment of the high authority of his opinion, he wished that more noble and learned Lords were present, and that the part of the bill, to which he was alluding, was not to be debated, as to its principle, till the House could have the benefit of all the abilities, and all the learning, and all the professional knowledge, for the assistance of which it had a right to hope in due season. Rumour, his Lordship said, had

had whispered, that in another place, it had been proposed to make the clauses that related to the institution of the new court of judicature a separate bill, and to subject them to a distinct and separate consideration. The moment it was suggested, the candour of a young and ingenious mind led the Minister to accede to the fairness of the suggestion, but in consequence of being afterwards otherwise, he could not say well, advised, he had taken upon him the ungracious office of retracting his consent, and insisted on the bill's proceeding entire as it was, though it obviously contained two distinct considerations. Their Lordships, he was aware, the Viscount said, could not take upon themselves to separate the parts of the bill, or divide it into two; but he hoped they would agree so far to divide the bill into two, as to defer the consideration in Committee of the Judicature part till next week, even if they took the preceding parts of the bill into consideration on Wednesday. Before he said a word upon the clauses relative to the new tribunal, he begged leave to lay in his claim, that their Lordships would not suppose the cause a bad one, because it might be ill defended. He might possibly find himself as able as any one of their Lordships to debate a treaty of negotiation with France, or with any European power; but he should be vain indeed to suppose himself capable of maintaining an argument with a professional man on a professional subject. On the present occasion, he had to combat with the powerful weapons of infinite genius, profound learning, and abundant knowledge; he could not pretend, therefore,

fore, to flatter himself with any tolerable degree of success, but he had a right to claim all reasonable allowance for the unequal arms he fought with, and that in his being conquered, it should not be considered that the side of the question which was combated, was incapable of victory. Having premised this, he took notice of the clause, obliging every person, in the service of the Company, to deliver in to the Chief Baron of the Court of Exchequer, on oath, an inventory of all his property, real and personal. This, he stated, to be a most unjust, oppressive, and unwarrantable exercise of power, confounding the innocent with the guilty in the most cruel manner, and laying down a rule, that could not, but in a great variety of instances, tend to harass the conscientious and the just, while it had no effect or operation whatever on the hardened criminal, and the practised peculator. It had been remarked by some writers of our antient laws, that they were *fetters to the weak and cobwebs to the strong*. The remark was applicable to this clause: was it to be imagined, while the conscientious man, who had made but a slender fortune in India, took his oath infinitely to his own disadvantage, that the corrupt oppressor, who had amassed immense wealth by every species of enormity, and every possible abuse of power, would, on coming home, scruple to add one more to the catalogue of his crimes, and commit perjury as the price of their concealment? Experience contradicted the idea, and the general depravity of mind that the habits of Europeans in India but too readily induced them to inbibe, shewed, that it had a very

flender foundation indeed ! Add to this, why should men who happened to come distressed from India, be reduced to the mortifying situation of being obliged to avow their penury ; a situation in which, if half the men in Great Britain, who now possessed ample wealth, had been placed, at particular periods of their lives, they must have been inevitably ruined, and almost put beyond a possibility of ever rising again. Many of the persons now in India were so circumstanced, that when they heard of this law, they could not, without a breach of duty, quit the country, and return home in time to escape becoming subject to its operation ; he reasoned, therefore, on the extreme hardship of those being obliged to submit to it who were now in India, upon whom it would operate, as an *ex post facto* law, while at the same time it was in effect a manifesto of remission of sins to all such, let their practices be ever so erroneous and criminal, who could get home before its operation commenced. Having treated of this clause very much at large, he proceeded to examine the institution of the new judiciary, and discussed it fully. He said, it was an alarming innovation, and required to be deliberately examined, and its effect probed and considered by every one of their Lordships with the most serious attention. For his part he did not feel himself competent to hazard an opinion upon it ; ignorant as he was of the professional matters, he lamented, that the House stood without the assistance of, those noble Lords whose absence he had before treated of ; but he could not but coincide with the noble Earl who had
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gone before him, in remarking on the extreme danger that had already arisen from the institution of Commission Courts in preceding periods of our history. He took notice of the Lord Chancellor's having, on a former day, diverted himself and the House with remarking, that the same sort of jurisdiction already prevailed in our army and navy, and that so far from its being there thought a grievance, the soldier and the sailor gloried that they had been tried by martial law, even while they still felt the smart of the lashes they had received. To treat this more seriously, his Lordship said, it certainly might be argued, that officers derived an equal share of honour and advantage from trials by Courts Martial, because they were then tried by their Peers, and the members of the Court knew that they themselves were equally liable to trial, whether the charges were true or false, and that consequently it was incumbent on them to weigh well the validity of the charge itself, and the validity of the evidence urged in its support. Not so with the common soldier and common sailor; the only plea to justify their being rendered amenable to trial by Courts Martial was, that they had entered into the army and navy, knowing to what tribunal they then rendered themselves amenable. His Lordship observed, that by the present bill, their Lordships were compelled, under a penalty, to act as judges, when chosen thus upon the new judicature; this, he said, was the first instance of any of their Lordships being forced to undertake an office, against the exercise of which he might reasonably entertain great scruples.

He added other remarks on the nature of the evidence to be admitted before this new tribunal ; and after a variety of pertinent strictures, and well-applied observations, concluded a very able, and, in some passages, a very animated speech, with calling upon the candour of their Lordships to allow a longer time for the consideration, before they went into a Committee upon the bill.

The *Lord Chancellor* left the woolpack the instant Lord Stormont sat down, and began his reply with declaring, that he was glad the debate was brought on, since the noble Viscount had suggested a great deal of observation and argument well worth the consideration of their Lordships. With regard to the charge of precipitancy and hurry, were the charge really grounded, he should be extremely willing to give way to it, as he wished not to assist in pushing any measure forward, that claimed to have merit as a *bold* and a *rapid* measure ; such merit he disowned entirely. Having said this, he observed, that the principal objection urged by the noble Viscount had been, that the bill was inadequate to its object ; to that position he was ready to accede, and to acknowledge that he was of the same opinion. He owned, he had wished the measure to have gone much farther, and to have been fraught with more energy ; but the anxious desire of accommodating public prejudice had induced others to differ in opinion from him, and to wish to meliorate, and, in his opinion, to weaken the regulations, rather than to give them a harsh and severe aspect. The aim of the Minister in framing

framing the bill had obviously been, to adopt the best and most unexceptionable set of regulations for the future Government of India that suggested themselves to his judgement, without pretending that they were fully adequate to the object, or to his wishes, leaving it to standers-by to improve upon them, and to propose better and more practicable, if better or more practicable regulations could be proposed. If the noble Viscount, however, thought the present clauses too severe, what idea would he have entertained of his poor project, had that stood upon paper instead of the present bill? In considering the observations made by the noble Viscount on the subject of the bill, his Lordship said, he would take the latter part of the noble Viscount's speech into consideration first, because without any pretensions to superior learning, or superior knowledge, it might be more proper for a person accustomed all his life to the study of the common law, to explain an institution of a judicatory nature, which appeared to him to have very unnecessarily excited alarm and jealousy. His Lordship then took notice of the extreme uneasiness that the noble Viscount had expressed for the absence of the other noble and learned Lords, and said, it might not be amiss to ask how many of the six, that belonged to that House, were at present entangled in the exercise of their professional duty? Of all that number, he could recollect but one who was so entangled; and in the commission with that noble and learned Lord, whose great abilities he was ready to admit, there were at least a sufficient number of others, one of whom

whom might, if the occasion for that noble and learned Lord's attendance on his duty in that House was really thought to be as indispensably necessary as the noble Viscount had declared it, have been spared to fill the place and discharge the office the noble and learned Lord in question was now filling and discharging, wherever he might chance to be. But he must be forgiven, if he declared, that he had no idea of any thing relative to the new judicature to be instituted under the sanction and authority of the present bill, lying so deep as to require great professional sagacity to fish it out. He thought the whole of that part of the bill, as well as of every other, was extremely obvious, and that it laid as level to the judgment of the most ordinary capacity as any matter could possibly lie. The whole of the noble Viscount's objections, if he understood them rightly, amounted to this, and to this only; That a judicature was about to be appointed, in which the Court were to act as judge and jury, and to concenter in themselves the power of determining both the law and the fact. That certainly was the case; and when the nature of the Court was candidly and fairly considered, surely it would not be seriously contended to be a Court liable to suspicion of being capable of acting upon ill motives, or motives of partiality or prejudice. Of whom was the Court to consist, but of a certain number of the Members of each of the two Houses of Parliament, chosen by chance, (the Minister not being willing to risque his name in the appointment of them;) and three of the Judges, selected one from
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each Court, by the choice of the several Courts respectively. He admitted, that had the appointment of the Court laid with the Crown (the holder of the executive government), he should have had no objection, because in that, the nomination of the Court would have rested where the constitution clearly meant each part of the executive to rest. The nature of the evidence to be adduced before this Court, was also different from the sort of evidence to be exhibited before a jury. But why was it so, but that the nature of the crimes to be tried, and the scene of the commission of those crimes lay at too great a distance from home to render it practicable for that strict sort of evidence to be given which was admissible only before a jury? According to the bill, either the Attorney General, or the Court of Directors of the East-India Company, or any person whatsoever, were empowered to apply to the Court to grant an Information against a delinquent in India. In this there was nothing new, because the act of King William gave the Court of King's Bench the whole of the same power, and under authority of the said statute it had been frequently exercised. With regard to taking the power of nomination out of the hands of the Crown exclusively, and giving it into other hands, he said, he should have been full as well pleased, had not this extension been made, because he was decidedly of opinion, that every man, conscious of meaning to do what was right, should despise the possibility of suspicion that might be entertained of his holding a contrary intention. It was obvious,

obvious, however, in this particular, and in all the clauses of the bill, there was a studious endeavour discoverable on the part of those who framed it, to put it out of the power of the most invidious to impute a desire or a design to make an ill use of the bill, or the powers that were to arise out of it. With regard to the summary process that the bill directed with respect to East-India delinquents, before the noble Viscount, or any other noble Lord, attempted seriously to argue the danger and alarm that such a circumstance warranted, they must, his Lordship said, consent to jump at once over the laws in being, that prescribed an equally summary process in a variety of instances; and in particular that numerous, and to him innumerable body of statutes, relative to shooting deer, taking game, killing hares, &c. where the offence was cognizable before one or two justices only, and immediately judgement proceeded. In fine, where crimes of a nature unnoticed by the laws of any country were practised to an enormous extent in its provincial dependencies; and national honour, as well as the more cogent considerations of humanity and justice, called for a remedy; it was clearly sound policy to apply severe and extraordinary laws to such new and extraordinary cases. Having taken pains to prove this, his Lordship came to the consideration of the other objections of the noble Viscount that applied to the preceding parts of the bill; those which related to the government at home, and the government in India. Of these, he said, the noble Viscount had laid it down, as his principle for a good govern-
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ment in India, that the only way to obtain that object was, to make a strong Government there, and to render it amenable to a still stronger Government at home. To that principle he subscribed in the fullest and completest manner; and he should contend, that the principle of the present bill, however the clauses might fall short of it in some particulars, was one and the same, with the principle, so well and so unanswerably established by the noble Viscount. If therefore the principle were admitted to be right, he cared not one farthing what became of the clauses. With regard to the control which the new Board was to exercise over the Directors, the noble Lord had said that the latter would disobey the former, and had asked where was the compulsion, and to what punishment were the Directors liable in case of non-compliance? Such reasoning, he remarked, was idle. Was it to be supposed for a moment that the Directors would dare to disobey a parliamentary regulation of that sort, or if they did, would they not be severely punished, and that in a variety of ways? They would be liable to an indictment for a misdemeanor in the first place, and to different prosecutions for different distinct offences in others. With regard to the clause respecting the alteration of the Council at Bengal, he could not agree with the noble Viscount that it gave the Governor General superior power awkwardly, indirectly, or by a side wind. He thought it did the thing pretty openly and pretty plainly. The objection stated by the noble Viscount relative to the next clause, (that respecting the persons in the civil and

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military service of the Company rising by superiority,) he did not think it so easily surmountable. Certainly such a regulation might damp the ardour of youth, and in its consequences, that way considered, produce its share of detriment; but when the advantages one way, were set against its disadvantages the other, and the intrigues and factions fomented in council through the means of preferments lying open to the casual patronage of men in power in India was considered, perhaps the balance of benefit might be found to be rather in favour of the new regulation in this respect than against it. Having stated this fully, he justified the power of recal being lodged in the Board of Control, instead of a power of appointment, and entered into an argument to shew, that the sort of reasons the Board were to state, in writing, to justify opinions, were not to be like debates in detail, but general heads of reasons briefly put. His Lordship took occasion to compare the present bill with that of Mr. Fox, as both related to the comparison between the Board of Control and the Board of Commission. To put into the hands of the Public a control over a Board of Directors, managing a concern of their own in which was involved a public interest, was, he said, much more consonant to the principles of the Constitution, than to take the management of India in its triple consideration of commerce, civil government, and revenue, wholly out of the hands of the Company, and to vest it entirely in a new Board, independent both of the Public and the Company. He ridiculed the idea of there having been more candour shewn, in regard to
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the conduct of the bill before Christmas and the present bill, and said, he would not pretend to any merit for the bill then under consideration, on the score of its being a *bold* and *rapid* measure—*That* it did not aim at; and therefore, the argument, that Counsel had been greatly indulged, when the other bill was pending, in having been heard on behalf of the Company, against the *slight* circumstance of all their property being violently seized upon, did not weigh with him so much, as it appeared to have done with the noble Earl who spoke first, and who, when he held it out as so singular a favour, that the Counsel had been suffered to quit the House at midnight in December, in order to re-commence their arguments and to pursue their evidence next day, seemed to have totally forgot, that they had been shivering for three hours before, while their Lordships were debating whether they should be heard or not. His Lordship added various other able arguments, which we have not time to state, and in the course of his speech treated Lord Stormont with great respect, admitting that he had that day delivered his sentiments in a manner becoming a statesman and a legislator, and had suggested many observations well worth the serious consideration of their Lordships. Lord Thurlow concluded with declaring, that after having heard the arguments of the ablest speaker against committing the bill, he saw no reason why the bill should not be committed for Wednesday next; observing, that if the noble Viscount was serious, in lamenting the absence of those noble and learned

Lords to whom he had alluded, there was no ground for such a lamentation on his part, since it was obvious, the noble Viscount had found time to make himself master of all the great points of that question, as well the legal as the political points.

Lord *Carlisle* said, the noble and learned Lord had not done him the honour to answer his questions, whether a Peer was bound to sit on an impeachment after he had sat on the new judicature, as one of that Court? Neither had the noble and learned Lord stated, why a jury would not be competent to the trial of East-India delinquents?

The *Lord Chancellor* said, he had very fully, in his mind, argued in proof, that the sort of trials to be held under the new judicature, might require a species of better informed jury, than a jury impanelled in the customary form; and that all the spirit and excellence of a trial by jury would still be preserved. With regard to the other question of the noble Earl, viz. Whether a person, tried by the new tribunal, would afterwards become liable to a trial at the bar by impeachment; and, consequently, whether any of their Lordships, who had been of the Court in the former instance, could sit in Parliament in the latter? He did not imagine, those who had been tried before the new Court of Judicature, were meant to be afterwards subjected to impeachment.

The Duke of *Richmond* commended the present bill; but said, though it gave him pain to differ from those with whom he acted, he could not help doing

doing so in one point, and he begged to state expressly that his reason for so differing, was not because he had signed a protest on a former occasion bearing such an import; for he should think meanly of himself if he was afraid or ashamed under different circumstances of avowing, that he entertained a different opinion, but because he really was now of the same opinion. He had ever contended, and he still thought that the East-India Company ought to be left to the management of their own affairs; and he was now persuaded, the Directors ought not to have their powers circumscribed by the present bill. They were more accustomed to the consideration of East-India subjects than his Majesty's Ministers, and had no other object to direct their attention to; he could not, therefore, approve of the clause giving the Board of Control a power to originate orders in any case. He thought also that the appointment of the Commanders in Chief in India ought to remain with the Crown, while the East-India Company found it necessary to employ any part of the King's army, in support and defence of their territories. The judicature he highly approved; because, without being liable to any of the inconveniencies that a trial by jury was liable to, according to its ordinary forms, the Court itself was the most special sort of jury that could be convened, and, in his opinion, the safest tribunal for any man to trust his fortune and character to. But what gave him the most favourable idea of the bill, his Grace said, was, its total disavowal of all patronage whatever;

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a circumstance exceedingly distinct from the characteristic of the former India bill, the chief aim of which appeared to him to have been, to assume an inordinate and unconstitutional degree of power, for the purpose of setting up the Administration of that day on an immoveable basis. His Grace said, he was persuaded all the clamour that had been raised against the East-India Company on the subject of their distresses, and against their servants, on the grounds of enormous corruption and oppression, had been artfully excited to pave the way for the India bill brought into Parliament before Christmas.

The Duke of *Portland* denied this, and demonstrated that the sole object of the last India bill was by direct and open means to provide the best possible government for India, without any wish or design on the part of his Administration to assume power; an evident proof of which the noble Duke had overlooked, viz. that a clause in that bill subjected the Board of Commissioners in the most unreserved manner to parliamentary control, obliging them to lay a yearly statement of the affairs of India before both Houses, and subjecting all the Commissioners separately and universally to removal, on an address from either House.

The Duke of *Richmond* said, he would do the noble Duke the justice to say, he believed he had been as innocent of ill intention, as any one member of that Administration; but the noble Duke must excuse him, if he persisted in saying, he was convinced

vinced that all the clamour that had preceded the bill alluded to, had been raised industriously, with a view to make such a measure palatable. He declared, he had forgot the particular grounds upon which he originally took up this opinion.

The Duke of *Portland* said, the noble Duke, it was clear, had forgot what had passed even within those walls, when the East-India bill in question was before their Lordships; an infinite variety of papers, containing authentic statements of the Company's situation of affairs having been at the time laid upon the table to shew the grounds on which the bill proceeded.

Lord *Carlisle* took notice of what had fallen from the Duke of *Richmond* relative to trial by Jury, and called upon his Grace to know, whether he thought the Jury at all in fault in the trial relative to Lord *Pigot's* arrest? Because if he did not, the only modern instance that could be cited, shewed, that a Jury were fully competent to try East-India delinquents.

The Duke of *Richmond* said, undoubtedly the Jury were not to blame, but the conduct of the Court was the conduct of that species of judicature, and there could not be a stronger instance adduced, of the necessity of a new tribunal's being instituted, than the single circumstance, that after a solemn trial and conviction of men accused of one of the most heinous criminal offences chargeable on Englishmen, the punishment adjudged was a fine of *one thousand pounds* only!

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At length the question was put, and carried without a division.

August 4.

The House resolved itself into a Committee on the East-India regulating bill, Lord Walsingham in the chair: when the clerk came to the clause which enacted, that on account of the debt, said to be due to the Company, the Court of Directors should take into immediate consideration the difference existing between the Nabob of Arcot and the Rajah of Tanjore, and come to some settlement,

Lord *Hawke* said, he could not forbear expressing his disapprobation of this clause as it now stood. The Court of Directors was certainly a party concerned, and therefore its members were undoubtedly disqualified, and were improper to be judges on it; if any advantage were to be derived from the Board of Commissioners, they must clearly be in such case as this; that Board was the proper place for such investigation; their Lordships knew the ill effect of trusting to the decision of the Court of Directors, their consequences were plain, and needed no arguments to blazon them forth; and therefore, such consequences ought to be provided against in future, if possible; the bill held forth a preventive, and he thought it would be right to adopt it: he therefore begged leave to move, that the words "Court of Directors" be omitted, and that "Board of Commissioners" be substituted in their stead.

Lord *Camelford* differed with the noble Lord on
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the propriety of making such an alteration ; one grand principle of the bill was to preserve the rights of the Company untouched, and yet endeavour to render them service ; now, was the alteration proposed, to be adopted, it would in a great measure infringe that principle, for it would be wresting from them the right of examining their own accounts ; nor did he see the necessity of it, as the Board of Commissioners were to examine all dispatches previous to their being sent out, and possessed a controlling power to reject those which were supposed would be detrimental to the interest and welfare of the Company.

Lord *Hawke* still adhered to his opinion for the reasons he had assigned, and because, although the Court of Directors were to send out dispatches without the concurrence of the Board of Commissioners, yet it was in the power of that Court totally to defeat the intention of the clause, by making frivolous delays ; and perhaps after four or five years pretended investigation, it would be found necessary to give that power to the Board of Commissioners, which he thought would be adviseable in the first instance.

Lord *Thurlow* said, the suggestions thrown out by the noble Lord certainly laid claim to some attention ; and he for one admitted the force of them ; but still, in his opinion, it would be better to let the clause stand in its present form ; and if upon consideration, an improvement to the power given to the Board of Commissioners was found necessary in

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this case; it would be more adviseable to introduce an additional one for that special purpose.

The next clause that met with any objection was that which went to punishment for the acceptance of any present whatever, unless those to the Clergy and Counsel in their professional line. This

Lord *Camelford* said, he could not suffer to pass without expressing his sentiments upon it; he had no doubt but it had been proposed from very good principles, but they were certainly very erroneous ones; for, in his mind, it would be almost impossible to retain the friendship of the neighbouring states, if the servants there were obliged to refuse every present that might be offered; for he did not believe it would be in the power of man to convince those people, in such a case, whatever acts of friendship might be shewn them, but what there was some rapcours in the heart; it would occasion jealousies in their minds, and their wishes and amity would not be cordial. He knew an improper advantage might, and he would not say had not, been taken of these gifts; but because there were, perhaps, a few instances of guilt in the Company's servants, he could not bring himself to cast so severe a reflection on the whole; the Public at large were very unfavourable in their conclusions upon those who had been to India; but he possessed a very different idea to many, and was convinced that numbers returned from that country where they had served, to the total injury of their constitutions, without bringing back with them as many thousand pounds as they had been there

there years. He knew that was a fact; nor was it less a fact, that many of those who returned with large fortunes, returned with characters that slander could not traduce; he might, perhaps, be thought to feel himself a little interested on this subject, when their Lordships reflected, that the whole of what he possessed by patrimony, had come from that shore; but he trusted he should be excused in saying, that that fortune was acquired by one who never had his superior in justice and integrity: many others had come from India with as fair a character and as clear a reputation, although they might have accepted presents from the Princes of that empire; it was habitual to those both to give and receive; and he was of firm opinion, that to restrict it altogether would be very displeasing to those Princes; he had no objection to restriction being made, and thought if those presents were received in public, and properly accounted for, it would be productive of more advantage than being annihilated entirely.

Lord *Sidney* did not possess such an idea, that every fortune made in India was by rapacity and extortion, nor was it meant by this bill to establish such an opinion: this was intended only to check those that were so inclined, and that there were some who came under that description, surely there was sufficient proof; there were instances of men going out with scarcely any patrimony, and returning again in a very few years with a prodigious fortune. Could it be supposed it had been made fairly? Certainly not. He remembered the words of one of the greatest

soldiers and statesmen this kingdom ever knew ; and from his services in that country he was fully competent to give his opinion ; he meant Lord Clive, who, speaking of such large fortunes being so rapidly acquired, says, that however just the disposition, the temptations are so strong, that flesh and blood cannot withstand them ; as a check upon these temptations was this clause only meant to act, and for that purpose he wished to see it stand part of that bill.

The clerk then proceeded, but was stopped by

Lord *Camelford*, when he came to the part which went to prevent any servant of the Company, who had been to India, from returning into the service again. For what purpose this was introduced, he was unable to conceive ; he could not think it possible to be meant to point at any particular person ; and if it was to the body at large, sure he was that it was a very injudicious measure, and ought not to take place, for what did it set forth to do ? Why, to prevent those, who from a series of labour and attention, had made themselves masters of the business and interest of the Company, because they came to England, from returning and giving the Company an opportunity of benefitting by their experience. Every man knew that a writer or cadet, when he came to India, had every thing to learn : and yet by this clause, it was determined to be better to send out an ignorant youth of sixteen, who had an up-hill path to pursue to gain a knowledge of the Company's affairs, than one who had already procured
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that knowledge, and could immediately be of advantage; and for why, because truly he had once acquired a fortune. This was not only preventing the Company from benefitting by the service of those best able to serve them, but went to throw a stigma on the character of every one who had been in that employment; which was a reflection extremely unjust, for he would not hesitate to declare, he was acquainted with several who had returned from India, whose character were as irreproachable as any man's in this country. He could not think but it was an extreme hardship, that capability of fulfilling an engagement should be the strongest bar against obtaining it. It was no uncommon case for a gentleman, while resident in India, to conclude, that he had obtained a sufficiency for himself and his connections; and under that idea, to return to his native country: from long residence in a country where the manners are quite different to what they are here, it could scarcely be censurable if he retained some of their habits, and by that means lived in a very expensive stile; this, together with possessing an hospitable and generous disposition, might very soon reduce his property to make him wish for employment again; and yet, notwithstanding, he might possess the greatest talents, and from his own experience being taught the necessity of oeconomy, he was to be precluded from serving again; their Lordships must see in this point of view, how hard it was to act on the servants of the Company, and how injurious it must be

to their interest ; he therefore hoped the clause would not be sanctioned with their approbation.

The Duke of *Richmond* approved the clause ; there were parts of the bill that he had his objections to, and he had stated them on a former day, but this was not one ; that experience which the noble Lord had said so much in favour of, was part of his reason for wishing to see the clause stand ; for as it said, the youth was not experienced in acts of rapacity and extortion ; the first had a long time to look forward, and might be content to increase his fortune by degrees ; whereas this man of experience would reflect he had but a short time to spare for that purpose, therefore, the sooner he completed it the better, and the more agreeable to his sentiments. His Lordship denied that it was by any means necessary to live in India in that voluptuous manner which was now adopted ; it had become fashionable, indeed, and very few chose to be out of that fashion ; nor could he have much faith in the œconomy of that man, who could squander his own fortune away by dissipation and gambling. He had suffered that part of the bill to be read, which he objected to without saying a word, because he thought it was just to give that plan which had taken a deal of trouble to adopt and bring forward, a fair chance to try, whether it would be effectual or not ; and therefore he most sincerely wished it might pass without any alteration.

The clause was then agreed to, as part of the bill ; and the Clerk again read on, until he came to the
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one which enacted, " That every person returning from the East Indies should, within two months after his return, make affidavit of the property he had acquired, and is then possessed of, when

Lord *Camelford* again rose; he said he was quite ashamed of intruding so much on their Lordships' patience, but he could not resist the impulse which induced him to trespass a few moments more on that indulgence he had so largely experienced. — The clause now proposed for their approbation, was surely the most cruel, unjust, and oppressive, that ever was brought into that House; that a man should be obliged to make an affidavit, and deliver in an inventory of his property, and that that inventory should be filed as a record in a public court, for the inspection of the whole world, who might make their comments upon it, and of which the Public were generally pretty free, was a measure as yet totally unknown in this country, and which he should wish ever to remain so; and the only reason he heard assigned for adopting such a precedent was, that men might in some degree criminate themselves, and expose their guilt; it deserved condemnation, even if it was likely to answer that purpose; how much more so then must it be, if their Lordships perceived it was not adequate to do any such thing? For instance: it would only inform you, that the party was possessed of such a sum, but it would be necessary to inform you it was obtained improperly before you could criminate, unless you meant afterwards to oblige the party to account for the accumulation of every penny,
and

and that he apprehended would be very difficult, even if he were ever so well inclined to give that information — If it was however conceived necessary to procure this kind of evidence to punish an extortioner, he thought it might be done more delicately, and without exposing the property of the innocent — Suppose they were to be obliged to deliver in an accurate account of their substance upon oath, sealed up, and upon any information or strong suspicion of guilt, then it should be opened and brought forward if it in any manner corroborated the charge; thus would the exposure fall on the suspicious character only, and the man of integrity enjoy his property without being subjected to the ill-natured comments of envy. He was the more against this clause, because he thought the new Court of Judicature that was to be established by the bill, rendered it totally unnecessary — He had heard several arguments urged against this Court, but he was a friend to it, because he was of a firm opinion it would answer every purpose it was intended for, and even without such an oppressive assistant as the clause in question. What an opinion must the natives of India possess of Englishmen, if their Lordships adopted such a resolution? Must they not conclude, we were guilty of extortion, rapacity, and plunder? Might they not say we were so convinced of it ourselves, that every one that came from thence was so strongly suspected of those crimes, that we endeavoured to make him criminate himself? Did such a character belong to Englishmen? He could not think it; they were known to be very
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different in their own country; nor did he believe, when they embarked for any other, that they left their honour, integrity, and humanity behind; he trusted they carried them wherever they went, and was sorry to find their own country was the first to hint such a charge against them. He did not, could not approve the clause in any shape, not even with the amendment he had suggested, but hoped it would be objected to altogether.

Lord *Sydney* was not surprized to find the British spirit roused at the idea of innovation, and less so that it should take the alarm with so unimpeachable a character as the noble Lord who had so ably expressed his sentiments upon it; but he trusted it was in idea alone such alarming consequence would be found; the adoption of this form might be new in this country; but it was, by no means, new to a free state; the Dutch had long since come to a similar resolution, and obliged their Governors to give in an account of their wealth as soon as ever they arrived from a foreign government; and was it not invidious to mention names, he could inform their Lordships of two belonging to those states, who had fled to other countries to avoid an inquiry into the manner they had procured such immense property. It was the extortioner alone that this clause was meant to affect, and it was the extortioner alone that could be affected by it; for the man of integrity could have no need to fear an exposure of that wealth which the manner he had obtained it would not call a blush upon his cheeks; to the other character, nothing surely could be too se-

vere, nor any means to be condemnable that tended to bring him to punishment ; this, in his opinion, would act in a great measure to that end ; it might help to criminate guilt, but could not injure the innocent.

Lord *Camelford* was not induced to give up his opinion upon it by what fell from the noble Lord ; it rather served, in some places, he said, to confirm what he had asserted ; that to make the best of it, it would be entirely useless ; for surely if extortioners fled from such a regulation into another country, where it was already adopted, it was, by no means, unreasonable to suppose that delinquents would take the same course to avoid crimination in this ; it might still go farther, it might be the very means of preventing an opportunity to punish the offender, as he would know the consequence of returning home, which he otherwise might do while he thought there was a possibility of remaining undiscovered, and, by taking the example of the Dutchmen, fly to another, and laugh at all the laws that were made against him.

The Earl of *Effingham* said, he could not see why the man who came fairly by his property should hesitate to state it openly ; he should rather think he would be happy at such an opportunity of preventing any suspicion being entertained against him.

The clause was agreed to by the Committee.

The remainder of the bill was then read without any farther observation.

Lord *Sydney* moved for the insertion of two clauses respecting the mode of choosing four of their Lordships to act as members of this new court of judicature,

cature, and several amendments, which met no opposition; when the report of the Committee was ordered to be made the next day.

August 9.

LORDS' PROTEST

ON THE

EAST-INDIA REGULATION BILL.

The said bill was read the third time. Moved,
"That the bill with the amendments do pass."

Question put thereupon,

Resolved in the affirmative.

Dissentient,

Because we think the principle of the bill false, unjust, and unconstitutional. False, in as much as it provides no effectual remedy for the evils it affects to cure;—unjust, as it indiscriminately compels all persons returning from India to furnish the means of accusation and persecution against themselves;—and unconstitutional, because it establishes a new criminal court of judicature, in which the admission of incompetent evidence is expressly directed, and the subject is unnecessarily deprived of his most inestimable birthright, a trial by jury.

PORTLAND,
 CHOLMONDELEY,
 CARLISLE,
 DEVONSHIRE,
 NORTHINGTON.

The following Paper was laid upon the Table of both Houses.

Whitehall, August 9.

EXTRACT of a letter from the President and Council of Bombay, to the Secret Committee of the Court of Directors of the East-India Company, transmitted to the Right Honourable Lord Sydney, his Majesty's Principal Secretary of State for the Home Department. Dated Bombay-Castle, April 7, 1784. Received over land, August 3.

A few hours after we had closed our accompanying Address of the 31st ult. on the 1st instant we were informed, by advices from Lieutenant-colonel Barry of the 12th, that the Treaty of Peace between the Honourable Company and the Nabob Tippoo Sultan had been actually signed the night before.

Yesterday, by the return of the Scorpion from Tellicherry, we received two letters from the Commissioners, Messrs. Staunton and Huddleston, of the 12th and 18th ult. inclosing a copy of the Treaty itself, and an Address to the honourable Court of Directors, which we now have the honour to transmit with this.

We embrace this early opportunity of congratulating your Honours on this happy event having at length taken place, and of peace being restored to your settlements in India.

TREATY

TREATY of PEACE with the Nabob TIPPoo
SULTAUN BAHAUDER.

(The Company's
Seal.

(Tippoo Sultaun's
Seal.

TREATY of perpetual Peace and Friendship between the Honourable the English East-India Company, and the Nabob Tippoo Sultaun Bahauder on his own Behalf, for the Countries of Seringapatam, Hyder Nagur, &c. and all his other Possessions, settled by Anthony Sadleir, George Leonard Staunton, and John Huddleston, Esquires, on Behalf of the Honourable English East-India Company, for all their Possessions, and for the Carnatic Payen Gant, by virtue of Powers delegated to the Right Honourable the President and Select Committee of Fort St. George for that Purpose, by the Honourable the Governor General and Council appointed by the King and Parliament of Great Britain to direct and control all political Affairs of the Honourable East-India Company in India, and by the said Nabob, agreeably to the following Articles, which are to be strictly and invariably observed, as long as the Sun and Moon shall last, by both Parties, that is to say, by the English Company, and the three Governments of Bengal, Madras, and Bombay, and the Nabob Tippoo Sultaun Bahauder.

Article I.

PEACE and friendship shall immediately take place between the said Company and the Nabob
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Tippoo

Tippoo Sultaun Bahauder, and their friends and allies; particularly including therein the Rajahs of Tanjore and Travencore, who are friends and allies to the English, and the Carnatic Payen Gaut; also Tippoo Saltaun's friends and allies: The Biby of Cannanore, and the Rajahs or Zemindars of the Malabar Coast are included in this Treaty. The English will not, directly or indirectly, assist the enemies of the Nabob Tippoo Sultaun Bahauder, nor make war upon his friends or allies; and the Nabob Tippoo Sultaun Bahauder will not, directly or indirectly, assist the enemies, nor make war upon the friends or allies of the English.

- Article II. Immediately after signing and sealing the Treaty, by the Nabob Tippoo Sultaun Bahauder, and the three English Commissioners, the said Nabob shall send orders for the complete evacuation of the Carnatic, and the restoration of all the forts and places in it now possessed by his troops, the forts of Amboorgur and Satgur excepted: And such evacuation and restoration shall actually and effectually be made in the space of thirty days from the day of signing the Treaty: And the said Nabob shall also, immediately after signing the Treaty, send orders for the release of all the persons who were taken and made prisoners in the late war, and now alive, whether European or native; and for their being safely conducted to and delivered at such English forts or settlements, as shall be nearest to the places where they now are, so that the said release and delivery of the prisoners shall actually and effectually be made in thirty

days

days from the day of signing the Treaty; the Nabob will cause them to be supplied with provisions and conveyances for the journey, the expence of which shall be made good to him by the Company. The Commissioners will send an officer or officers to accompany the prisoners to the different places where they are to be delivered; in particular, Abdul Wahab Cawn, taken at Chitoor, and his family, shall be immediately released, and, if willing to return to the Carnatic, shall be allowed to do so. If any person or persons belonging to the said Nabob, and taken by the Company in the late war, be now alive, and in prison in Bencoolen, or other territories of the Company, such person or persons shall be immediately released, and, if willing to return, shall be sent without delay to the nearest fort or settlement in the Mysore country: Baswapa, late Amuldar or Palicacherry, shall be released, and at liberty to depart.

Article III. Immediately after signing and sealing the treaty, the English Commissioners shall give written orders for the delivery of Onore, Carwar and Sadashevagada, and forts or places adjoining thereto, and send a ship or ships to bring away the garrisons. The Nabob Tippoo Sultaun Bahauder will cause the troops in those places to be supplied with provisions, and any other necessary assistance for their voyage to Bombay, (their paying for the same:) the Commissioners will likewise give at the same time written orders for the immediate delivery of the forts and districts of Caroor, Auracourchy and Daraparam; and immediately after the release and delivery of the prisoners

prisoners as before mentioned, the fort and district of Dindigul shall be evacuated and restored to the Nabob Tippoo Sultaun Bahauder, and none of the troops of the Company shall afterwards remain in the country of the Nabob Tippoo Sultaun Bahauder.

Article IV. As soon as all the prisoners are released and delivered, the fort and district of Cannanore shall be evacuated, and restored to Ali Rajah Biby, the Queen of that country, in the presence of any one person, without troops, whom the Nabob Tippoo Sultaun Bahauder may appoint for that purpose; and at the same time that the orders are given for the evacuation and delivery of the forts of Cannanore and Dindigul, the said Nabob shall give written orders for the evacuation and delivery of Amboorgur and Satgur to the English; and in the mean time none of the troops of the said Nabob shall be left in any part of the Carnatic, except in the two forts above mentioned.

Article V. After the conclusion of this treaty, the Nabob Tippoo Sultaun Bahauder will make no claim whatever in future on the Carnatic.

Article VI. All persons whatsoever, who have been taken and carried away from the Carnatic Payen Gaut, (which includes Tanjore) by the late Nabob Hyder Ali Cawn Bahauder, who is in Heaven, or by the Nabob Tippoo Sultaun Bahauder, or otherwise belonging to the Carnatic, and now in the Nabob Tippoo Sultaun Bahauder's dominions, and willing to return, shall be immediately allowed to return with their

their families and children, or as soon as may be convenient for themselves ; and all persons belonging to the Vencatagcherry Rajah, who were taken prisoners in returning from the fort of Vellour, to which place they had been sent with provisions, shall also be released, and permitted immediately to return. Lists of the principal persons belonging to the Nabob Mahomed Ali Cawn Bahauder, and to the Rajah of Vancatagcherry, shall be delivered to the Nabob Tippoo Sultaun's ministers. And the Nabob will cause the contents of this article to be publicly notified throughout his country.

Article VII. This being the happy period of general peace and reconciliation, the Nabob Tippoo Sultaun Bahauder, as a testimony and proof of his friendship to the English, agrees, that the Rajahs or Zemindars on this coast, who have favoured the English in the late war, shall not be molested on that account.

Article VIII. The Nabob Tippoo Sultaun Bahauder hereby renews and confirms all the commercial privileges and immunities given to the English by the late Nabob Hyder Ali Cawn Bahauder, who is in heaven, and particularly stipulated and specified in the treaty between the Company and the said Nabob, concluded the 8th of August, 1770.

Article IX. The Nabob Tippoo Sultaun Bahauder shall restore the factory and privileges possessed by the English at Callicut until the year 1779. (or 1193 Hegira) and shall restore mount Dilly, and its district, belonging to the settlement of Telli-cherry, and possessed by the English till taken by Sadar Cawn, at the commencement of the late war.

Article X. This treaty shall be signed and sealed by the English Commissioners, and a copy of it shall afterwards be signed and sealed by the President and Select Committee of Fort St. George, and returned to the Nabob Tippoo Sultaun Bahauder in one month, or sooner if possible; and the same shall be acknowledged under the hands and seals of the Governor General and Council of Bengal, and the Governor and Select Committee of Bombay, as binding upon all the governments in India; and copies of the treaty, so acknowledged, shall be sent to the said Nabob in three months, or sooner if possible. In testimony whereof the said contracting parties have signed, sealed, and interchangeably delivered two instruments of the same tenor and date; to wit, the said three Commissioners on behalf of the honourable English East-India Company, and the Carnatic Payen Gaut; and the said Nabob Tippoo Sultaun Bahauder on his own behalf, and the dominions of Seringapatam and Hyder Nagur, &c. Thus executed at Mangulore (otherwise called Codial Bunder) this 11th day of March, and year 1784 of the Christian æra, and 16th day of the moon Rabillafany, in the year of the Hegira 1198.

(Signed)

Tippoo Sultaun's

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Signature.

Anthony Sadleir,

Geo. Leonard Staunton,

John Huddleston.

(L.S.)

(L.S.)

(L.S.)

A true copy,

W. C. Jackson,

Secretary to the Embassy.

August 12.

In a Committee, on the East-India Company relief bill, Lord Galway in the chair,

The Duke of *Portland* said, he did not conceive that the present state of the Company's affairs warranted the making such a dividend as this bill went to allow them; nay, the bill itself declared as much, for it set forth, that the embarrassed situation of the East-India Company was such, as to oblige them to apply to Parliament for relief; and after granting this relief, they were to be permitted to make a dividend equal to that which was made while they were in the most flourishing circumstances; this was surely a contradiction; for if they were actually in those distressed circumstances the bill set forth, how were they to make this dividend justly? to expend among themselves what was meant to be lavished on them, instead of paying their creditors, was a very poor reason for obtaining this bounty — It might be said, the present bill, with respect to allowing a dividend of eight per cent., was exactly similar to one which had been introduced in a late Administration, and therefore he would point out the difference; that, in the first place, was merely a temporary bill, and was to be in force for only six months, while the present was to be a perpetual one; that was brought in previous to the Company's affairs having undergone a thorough investigation, and it was thought, to lower the dividend before that was done, would in a great

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measure be prejudging them: such was far from being the case now; an investigation had taken place; their poverty was known to all the world, and by no means warranted such, according to their circumstances, he might say extravagant dividend — It was the intention of that Administration, in case they found them in the situation they suspected, and which they were since proved to be, to have lowered their dividend to six per cent. to have introduced every species of œconomy in their direction, and by every laudable means to have endeavoured to lessen their enormous debt. Upon the view of their affairs, he did not know whether they ought to be allowed to make any dividend; but it was very plain, that so large a one as eight per cent. would be very improper; he therefore intended, when they came to that clause, to move an amendment, and to have the word six inserted instead of eight.

The Earl of *Abingdon* said, “ It is not a little curious to see noble Lords returning to the charge, after having so ignominiously deserted their colours; I say ignominiously, my Lords, because, after making a shew as if they meant to storm the citadel itself, and retreating without even an attempt to do so, they are now advancing in all the pomp of battle array, to attack a poor little out-post, scarcely worthy of notice; though yet sufficiently strong (as I trust it will appear) to defeat the prowess of such assailants.

“ My Lords, my metaphor is in the eye of your Lordships’ comprehension, and needs no other explanation from me, than, that I came down the other day,

day, by summons, to the house, to hear what the coalitionists had to say against the bill for regulating the affairs of India; and I found them dumb. I am now here upon the bill for the relief of the Company, and I find them about to be restored to their speech. For my part, I do not mean to trouble your Lordships with any arguments of mine upon the present bill. It appears to me to be nothing more than the necessary consequence of what went before; for, to regulate the affairs of India, and then not to support that regulation by every possible means of relief, is a compound of heterogeneous policy, fit only for the adoption of a discordant coalition. But, my Lords, being upon my legs, and it having been said of the bill for the regulation of the affairs of India, as having powers unconstitutionally vested in it, I will say one word upon that point. In any other view I do not mean to trouble your Lordships with any alterations of mine. The Oriental knowledge of that bill is a species of knowledge which I do not possess, nor did I ever aspire to. It is to the policy of the bill that I have simply and solely looked. And here, my Lords, whilst in this view of it I feel every satisfaction that I can desire, whilst I perceive every endeavour to accommodate the subject matter of that bill to the justice, to the policy, and to the welfare of this country, that satisfaction in me, and those endeavours of his Majesty's present Ministers, are not a little heightened by the contrast, which, in comparison, that bill bears with the bill of his Majesty's late Ministers upon the same occasion.—In that bill I see

a desire to leave us the Constitution we have ; a Constitution, one atom of which I never will consent to part with ; I see a desire of preserving those rights in the legislature, without the preservation of which, we cannot hold the Constitution we now possess ; I see a disposition of accommodation, not only to the rights of the legislature, but even to the parties interested and concerned in the regulations proposed. A disposition necessary, perhaps wise, and yet, my Lords, if there be any part of that bill I object to, it is in this single instance. I think it had been more constitutional, if *some* of the powers given to the Court of Directors, had been lodged in the Crown, and not only more constitutional, but with more safety, and with more real benefit to the public ; but this is matter of opinion of which experience must be the proof. This is what I see in that bill ; but, what did I see in the other ? The very reverse of all this. A violation of chartered rights in the very teeth of those who possessed those rights ? An absolute and direct confiscation of private property ; an attack upon the just, legal and undoubted prerogative of the Crown. A new executive power set up in the state, at the head of which was placed an aspiring and an ambitious man. A situation, to which if he had arrived, we should have seen him, although not wearing the crown upon his head, actually, and to all intents and purposes, the Governor of this country ; for, what was his situation, my Lords ? Placed at the head of seven nominees of his own, they pouring the wealth and treasure of the East into his lap, with a patronage besides,

sides, infinitely greater than the Crown possesses. Against such a situation, what struggle could the Crown have made, and what had become of the constitution of this country, when property had been thus invaded, and monarchy so divested of its rights?

“This was the bill for regulating the East-Indies : That upon which opposition was dumb, was the bill for the same purpose ; and with this view of the subject, I leave the matter with your Lordships : Not being able, however, to sit down without holding up my eyes and hands against that accursed coalition, without which, those noble Lords, who, from the very letter and spirit of their own protests, upon the Journals of the House, ought to have been the very foremost in the support of the present East-India bill, are now protesting against their own protests, and placing themselves in a situation pitiable, if not censurable, even in their own fight.”

Lord *Walsingham* said the bill before their Lordships had several points in view ; it first went to give the Company that relief which they were at present in want of ; then to enable them to accept those bills which had been drawn upon them, and to permit them to make a dividend that they had long been accustomed to ; that their affairs should just now be rather embarrassed, did not by any means imply that they were not in a solvent condition, or call for a diminution of their dividend on account of their inability to satisfy every demand upon them at this moment ; when it was considered
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to what expence they had been put by the late war, and the assistance they had given us in the Indies, it could not be any matter of surprise that they, as well as every other part of the community, should feel its effects; on the renewal of their charter, besides the 400,000*l.* they agreed to pay a certain sum for every regiment of regulars which should be sent over for the protection of their territories, besides an allowance to the ships of the line engaged in that service: this was found to press very heavy on them during the late war, but this did not induce them to wish to abandon the country in her distress; on the contrary, burdened as they were with the expences of a war neither brought on by them, or in their territories, they generously gave three ships of the line to the service of the public, and yet now there appeared a backwardness to retrieve them from that distress which had been brought upon them; government was most certainly of great service to them, and when the subject was properly considered, they would be found to be of infinite service to the public—the sums they paid for their charter, to the excise, customs, &c. were very considerable, and therefore it was highly necessary to give a transient support to the Company, lest a decrease in the revenue should be the consequence of their present embarrassment—besides, there was a kind of agreement that they should have the relief which this bill held out, for it was on that principle they had come to the resolution of consenting to the regulations contained in that bill which

which so very lately passed their Lordships—The bills that it was meant to allow them to accept, were those which had been drawn on them for goods purchased, and which were either now arrived, or on their passage home—the want of money there rendered the servants of the Company incapable to purchase freight for their shipping; they therefore had no other alternative than either to draw on the Company here beyond the sum allowed by act of Parliament, or to let the ships lay by for a twelvemonth, and to see the goods carried to another market, there being actually at that time no less than fourteen foreign ships in India, who were waiting, and would have been happy in such an opportunity; they wisely had preferred the former, and it would be extremely unjust not to permit the Company to accept those drafts for which it might almost be said they had property in hand—as to the dividend of eight per cent. he could not see the least reason why it should not be allowed, but many strong ones in its favour; it was very necessary that the credit of the Company should be maintained, and this could not be done, was the dividend to be lowered; there were many foreigners who had property in the Company's funds, who would take the alarm at such a measure, and perhaps be induced immediately to sell out, not only to the detriment of the Company's credit, but might effect the funds in general; for which reason he should oppose the motion which the noble Duke had said he intended to make.

Lord

Lord *Stormont* supposing himself alluded to by the noble Lord who spoke first, assured him, that so far from having been dumb on the occasion alluded to, he found himself greatly indebted to the House for their indulgence, and ought to apologize for having been so prolix on that occasion. Had the noble Lord been in his place, he would have heard him attempt to deliver his sentiments at large upon it: their Lordships had done him the honour to listen to those sentiments, and he would not trouble them with a repetition, nor his opinion upon another subject, which the noble Lord had thought proper to touch upon, but confine himself entirely to the bill then before the House. This bill appeared to him to be one of the greatest contradictions in itself that was ever brought for their Lordships to determine upon: it set out with begging relief for the Company, being unable to extricate themselves from their embarrassments;—and by way of providing against their falling into a similar predicament, they were allowed to do what? Why immediately to squander away that money which was to be given to them; that was, to make as large a dividend as they made when their affairs were in the most flourishing condition. He believed it was the first time that it had ever been suggested, that a merchant could retrieve himself by continuing that expenditure which he pursued during his getting behindhand; such an idea would be laughed at in a private concern; and as politics and the affairs of State were said to bear a similitude, as a great letter

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to a small one, so he thought in this case such a proposition was ridiculous. The noble Lord who spoke last, had assigned a reason for its being brought forward; it was the terms of the bargain between the Minister and the Company; but he could scarcely credit that a Minister of this country would so far degrade himself as to commence a secret negotiation with any body of men in the kingdom, and likewise to enter into a stipulation for the sake of carrying on a favourite measure; but provided that was the fact, their Lordships could not be bound to ratify a treaty they had never heard of, as no such thing was even hinted at during the progress of the other bill; it was sufficient for them to consider whether the Company were or were not in distress; if they were in distress, and which he verily believed to be the case, they certainly ought to be relieved; but then they were certainly incapable to make the dividend proposed; if they were able to make this dividend, they could not be said to be in want of relief: one of these suppositions must be the case; and of course the bill, which went to provide for both, must certainly be absurd. The noble Duke had referred to the bill which passed in 1773, upon which he should also beg leave to say a few words: at that time the Company's stock, by art and artifice, was raised to 270, and the dividend to twelve and an half per cent. He did not mean to enter into the particulars of the methods made use of for that purpose, but merely to state, that by way of supporting the credit of the Company, and to pre-

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vent a South-sea bubble, it was thought adviseable to lower their dividend to six per cent., and this was done without any injury, but to an apparent advantage of the Company. Rumour informed him, and rumour had been pretty right of late, of a secret which he would state to the House: it had occurred in a place which was not remarkable for keeping secrets, and therefore no wonder that rumour had got hold of it;—it said the Chancellor of the Exchequer had been so convinced of the impropriety of granting so large a dividend as eight per cent. that he actually had determined on sending the bill to the House with only six; this however the Chancellor of the Exchequer had been diverted from, but how? Not by convincing him he was wrong, but by its being alledged that the proprietors would not be satisfied, many of whom were foreigners, who would likely fell out, and some other cogent reasons, from another quarter that prevailed on him to give up the point even against his own opinion. Thus far said rumour; and although he could not attempt to determine on its veracity, yet he thought it was very likely, for he believed the Chancellor of the Exchequer, as well as any other man, must see the absurdity of making so large a dividend as the bill went to allow, while they were in their present circumstances; as to the lowering the dividend having any possible effect to the injury of the Company's credit, was ridiculous; for at the time it was reduced from twelve and an half to six, no such thing happened: why then should it be expected

to have a different effect, when it was reduced only two per cent.? For his part, he was of a firm opinion, it would act to the advantage of the Company; for every man might draw this conclusion; they are now actually determined to pay off their debts, and in a short time we shall undoubtedly have a much larger dividend; if, however, matters of this kind were to meet the approbation of the House, because they were introduced by a Minister, why might he not as well at once tell them such a measure was requisite, he had determined upon it, and not trouble them with the form of passing a bill at all; for it was rather unlucky for a bill of this kind, that it was made public all over the kingdom; and very just it was in his opinion that it should be so; it was unlucky, however, in this instance, because there was not an apprentice boy behind the counter, nor a cobbler in his stall, but would be able immediately to see the absurdity of this bill, which had been submitted to their Lordships' wisdom; that is, if it should pass in its present form; the Minister, or, more properly speaking, the Ministry, might hold themselves highly obliged to their Lordships for their ready acquiescence to every proposition brought forward, and for their quiet adoption of every measure introduced, however absurd: but such a mode of conduct would be, to render that House intirely uselefs, and their attendance totally unnecessary. Having stated a variety of other arguments, and drawing a comparison with all the other bills that had passed since the year 1773, his Lordship

concluded with declaring he should support the noble Duke's motion for reducing the dividend to six per cent.

The Earl of *Abingdon* had not alluded to the second reading of the former bill; he had come to the house to hear what would have been said on it on the third reading, when the whole phalanx of opposition had attended; and not one of them opened his mouth; he remembered the noble Lord had spoke on the second reading, and he heartily wished that previous to that he had been deaf, or the noble Lord dumb, as he then should have escaped hearing such a farrago of bombastic — Here his Lordship was called to order by the whole House.

Lord *Walsingham* said the noble Viscount must have misunderstood him; he had meant to state that the supposition of some such relief being granted to the Company, as was intended by this bill, had induced them, at a General Court, to come to the resolution of consenting not to oppose those regulations that were contained in the bill which had so lately passed.

Lord *Thurlow* could not conceive how the debate had taken such a turn; for the regular mode was to let the preamble be read, and if there was no objection to that, to pass on through the different clauses until they came to the one in which the alteration was meant to be made; but here the preamble of a bill, which was meant for several purposes, was quoted for the opportunity of shewing what was called the absurdity of, in fact, a part of a clause; for if their
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Lordships had taken the trouble, they would have found the remainder would, in a great measure, have satisfied their doubts; it was very certain that the East-India Company were at this moment in want of some relief to maintain their credit, until they should have an opportunity of turning that property, which was as good as money, into ready specie; but then indeed one part of the bill allowed them to make a dividend, and to maintain their credit by making it the same it had been for some years; this was accounted a direct contradiction, an absurdity, because it did not provide for reducing the debt with which it was incumbered, when, in reality, the very same clause said that all the surplus, revenues, &c. should be appropriated to that purpose; but yet six per cent. was thought infinitely better than the eight: he should like to be informed why six in particular? The noble Duke, indeed, had said they had better make no dividend at all; but this he supposed would not be insisted upon; six, however, seemed the favourite sum; for why, he did not at present know, as he could not see that it was worth while to hazard the reputation of the Company for 64,000*l.* which was the whole that would be saved by the reduction, notwithstanding the alarm that such a measure would give as to the solvency of the Company; the idea of the foreigners selling out, had been treated with a degree of levity, but to him it appeared in a very serious point of view; in the year 1773, which had been alluded to, foreigners had a considerable property in the Company's funds; but it was small

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in comparison to what they had at this time; they had then sold out very fast on the reduction of the dividend, and it was natural to suppose they would do the same now, which would be of the utmost consequence, as it would reduce the price of their fund, and sink their credit. Government undoubtedly ought to have a power to regulate the dividends of a Company, who had the sole trade of a country, to the exclusion of every other subject of a large country, lest they should not act to the advantage of the community at large, which had been the case in the South Sea business; but there was not the least similarity between that and the present. By what means, or upon what principle, was the sum this Company ought to divide, to be decided upon? Was every demand which Government had upon them to be first paid, and then allowed to divide the rest, as he did not suppose it was meant to be argued that an opinion of their solvency ought to be taken from their ready cash? — There were very few merchants, he believed, would like their credit to be decided upon on such a principle. It was a pretty theory enough to compare the method of conducting private concerns to those of a public nature; but the noble Viscount was too good a politician to mean any thing of that nature seriously. That a Minister should consult with a body of men on what was likely to prove to their mutual advantage, was also arraigned as very improper; but he hoped he should never see the day when a Minister would be above accommodating and acceding to what was proved would be to the

the advantage of the body concerned, and the Public at large. . As to the rumour, he knew nothing at all of it ; but he would venture to say, that if the Chancellor of the Exchequer had altered his plan, it had been for no other reason than upon a conviction it was just so to do ; nay, rumour now brought him intelligence (a paper was put in his Lordship's hand) that it was no such thing, and the bill had not been drawn up with six per cent. ; and he fancied his was a pretty authentic rumour, as he believed it came from the hand which drew the bill : he saw no other reason for reducing the dividend to the favourite six, than that it would give a retrospect to a larger, which did not deny their profits being equal to that of eight ; and, for his part, he thought eight per cent. was as little as could be allowed for a trading Company ; the noble Viscount doubtless knew sufficiently well, that the trade and commerce of this kingdom would not be in so flourishing a state, if the merchant made no more than eight per cent. of his money. Provided the bill had been drawn up in that absurd manner it had been laid out, he should have been as much against its going into the world as any man ; but the clauses appeared to him to be perfectly correct, their intentions perfectly clear, and the ends they were intended for, he doubted not, would be fully answered.

Lord Viscount *Stormont* still declared he had confidence in the rumour which had brought to him an account of the alteration ; he knew rumours of late had been pretty correct ; he had himself proved one to be a fact upon a subject which was scarcely credible,

dible, and therefore he had little doubt of the authenticity of the present : but to the point — the noble and learned Lord wished to know, why a six-per-cent. dividend was to be preferred to an eight-per-cent. one ; he would tell him his reason — Once more to return to the bill brought in, in 1773, that bill reduced the dividend from twelve and a half per cent. to six, not only for the time being, but to continue until the Company's bond debt was reduced to 1,500,000*l.* now it was upon the same principle he wished to see it reduced at present; for supposing the Company to be in such good circumstances as the learned Lord did, from which, however, he widely differed, by dividing six per cent. they would certainly be enabled to reduce their bond debt much sooner, and of course be sooner enabled to raise their dividend, as this saving, for the remainder of the term of their charter, would amount to between 5 and 600,000*l.*; besides, in the present distressed situation of the kingdom, when the necessities of the State required repeated burthens to be laid on the people, when the primary necessities of life were obliged to be taxed, to raise sufficient supplies, he could not patiently see the stipend wrenched from the hard hand of the peasant, to satisfy the extravagance of a few individuals. The learned Lord had said, that he knew it to be a fact, that the foreigners sold out at the time it was reduced before, and therefore he would not contradict him. (Lord Thurlow said across the House, he was told so, and he believed it.) The learned Lord, however, believed it, and he would take it for granted it was absolutely

absolutely so; but what did that prove? Why neither more nor less, than that the foreigners selling out was of no consequence whatever; the experiment, according to this account, had been tried, and yet the credit of the Company was not the least injured, but at that time gained repute. He was sorry when he found a Minister scared by artifice and vague report from his intentions; he ought to possess a steadiness to his purpose above the power of such trifles; artifice had however succeeded in this instance, and the just ideas of the Minister had given way to the idle report that foreigners would sell out, and he had substituted an injurious measure in its stead, one moment's thought was sufficient to prove the absurdity of having paid any attention to such report; for if these foreigners were so inclined, would they be deceived into a security by the dividend of eight per cent.? Would they not inspect the Company's accounts, and judge for themselves? And was it not their interest then, to obtain as large a dividend as possible, and sell out while the fund was at the highest? He therefore continued in his opinion, that the dividing of six per cent. would be a benefit, and not an injury to the Company.

Lord *Thurlow* replied, and went into a defence of taxing necessaries, as more efficient than those laid on luxuries, and therefore it was impossible to avoid taking from the hard hand of the peasant; and those Ministers who were so very fond of taxing trifles, did it more for the sake of popularity than service to the country. He likewise defended the principle

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of continuing the dividend at eight per cent. It was understood to have been fixed as unalterable, when the Company renewed their charter with the noble Lord (Lord North) then in Administration, (and against whom he did not mean to cast the least shadow of reflection) until their finances allowed them to advance it; the sum that was proposed to be saved was very inconsiderable, their revenues were very large, and their profits authorised a larger dividend, which, however, it was just to decline, until their debt should be reduced.

The bill was then read clause by clause, which were agreed to, until the Clerk came to the one for allowing the dividend, when the Duke of Portland made his motion, which was negatived without a division.

HOUSE

HOUSE of COMMONS.

August 9.

General *Burgoyne* requested the attention of the House to a subject, which, he said, he had many motives for mentioning, but upon which, he did not intend to interrupt the business of the day by any length of debate. Should the motion, with which he designed to conclude, be objected to, by any quarter of the House, he should not press it in this session.

It had been stated upon a former day, that there was reason to believe, that Sir John Burgoyne, the Commander in Chief of His Majesty's forces in India, was under arrest; that intelligence was within these few days confirmed, and attended with circumstances not only of alarm to the private friends of that gallant officer, not only of general and anxious curiosity, but of important national concern. The conduct, and indeed the character of the servants of the State, acting in high situations, were matter of public care, and in acquitting himself of what he owed to a relation and a friend, he felt himself fortified by the reflection, that he was at the same time doing the duty of the place where he sat. He meant to move for papers explanatory of Sir John Burgoyne's case. — His purpose in so doing, was to defend his injured friend from misrepresentation; to shew the Presidency of Fort St. George, that Parliament were not inattentive to the proceedings there, and to lay a foundation for a parliamentary enquiry at a future period.

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He should state facts, which he was confident the papers when produced would confirm. Conscious that the conduct of his friend would bear any test, he was bold to appeal to the representations of his accusers; but should he be mistaken in this expectation, it was still necessary the papers should appear, to shew in what points the accounts differed, in order that measures, the most speedy that the distance would permit, might be taken to bring the truth to light, and the cause to issue. He desired to be understood to accuse no man; Lord Macartney, who was at the head of the Presidency, was an acquaintance of long standing, and one whom he had always much respected; his Lordship was connected in friendship with those he (the General) most valued; and those considerations apart, Lord Macartney was absent, and his justification was not before the House. He might have acted by order from the Directors—he might have been overpowered in Council—he might have reasons for his conduct known only to himself—but every reason that made it unjust to accuse him, was also a reason, even for his sake, for bringing forward the papers. The first fact the General stated, deserved, he said, particular notice, as it served to explain many of the subsequent proceedings. What he alluded to was, a minute of Council before the army took the field in 1783 (a copy of which he had in his hand) wherein an attempt was made to deprive Sir John Burgoyne, and the other Generals bearing the King's commissions, of any employment in the field; it was a pointed endeavour, to draw from General

neral Stuart, then the Commander in Chief, an opinion, that it would be conducive to the public service to leave those officers in garrison, upon the idea, that being lately arrived, they could not be possessed of knowledge of the country — a suggestion, by the way, the most extraordinary, as the first operation of the campaign was to be a siege. General Stuart rejected the proposal, as what would be a palpable affront, and disgrace to the officers personally, defeating the agreement between the State and the East-India Company, depriving him of able assistance, and prejudicial in every point of view to the service. He added many arguments that did great honour to his judgment and spirit; and it was hoped that the indisposition of the Council towards the employment of the King's officers was overcome. — When the army took the field, Sir John Burgoyne was prevented taking a share in its operations by a disorder as unknown in these climates as was the method of cure, which was to make an incision into the liver, and cut out the affected part, an operation which he was at that time undergoing. The latter end of June, the Select Committee thought proper to recal from his command the Commander in Chief, General Stuart, and the command in the field was given to Major General Bruce, a younger General than Sir John; but as he was upon the spot, and the slight of naming Sir John conditionally when his health should permit might be easily repaired when that event happened, no complaint, he believed, was made. Not long after, General Bruce fell ill; Sir
John

John Burgoyne was then appointed to the command of the troops in the field, and he joined the army, then returning from the siege of Cuddalore, on the 13th of August. Thus things continued till the memorable 17th of September, when General Stuart was dismissed from the Company's service, and Sir John Burgoyne was nominated to supersede him in the entire command of the King's troops. It was very necessary to observe the distinction between the two situations. That which Sir John Burgoyne had possessed, and in which he could have had no objection to have continued, was the temporary command of an army in the field, in the absence of the Commander in Chief, that Commander still possessing, though recalled from that special body of troops, all the authority vested in him by the King; that situation, in which he was now to be put, was to make himself a party, (and an interested one too) to divest his superior officer of all the functions entrusted to him by His Majesty, involving general military regulations, patronage of officers, and every species of superintendency. Against the power of Government in India, to supersede him in this manner, General Stuart had protested. The General wished to mark still more particularly the conduct of Sir John, during this and the two subsequent days, which had been called a refusal of the command, and had now become a capital charge. In a long interview with the Select Committee, on the 17th of September, Sir John expressed, that if General Stuart had been guilty of such crimes as would authorise a junior officer to supersede

perfece him in an authority vested in him by the King, he ought to be informed of it; if it was thought otherwise, and Government, without such communication, took the measure of making General Stuart a prisoner, so as to render it impossible for him to perform his duty, that then he (Sir John) should be at liberty to act; but that General Stuart being at large, and no crime made known to him of force to justify such a supercession, he could not, in duty to the King, accept the honour offered him. It was then, he was told, that if he did not accept, it was intended to make Colonel Lang a Lieutenant General, and all the King's Generals should obey him. Sir John was detained at this conference from five o'clock to eight in the evening, when he was told, the Committee had no occasion for his further attendance. Upon his retiring, he found that General Stuart had been arrested, and brought close prisoner to the fort, by order of the Committee, during his conference with them. In what a light does this put the transaction that has been called the refusal of command? Will any man believe, that it was ever intended to invest Sir John with the command? He had stated himself ready to act if the General was a prisoner, and every difficulty upon which the Committee had argued for four hours, would have been removed by a bare signification of the measure then, not only determined, but absolutely executing. The next day, the 18th, Sir John wrote to the Select Committee, expressing that General Stuart being now incapacitated by close imprisonment from acting,
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he readily took the command of the King's troops, and was repairing to camp accordingly. To this letter he received no answer; but arriving in camp, he found two orders, the one constituting Colonel Lang a Lieutenant General, the other directing him to take the command of the whole army. Sir John, at a meeting with Colonel Lang, expressed to him what he had been desired to express by the whole body of King's officers present, that he relinquished to him the command of the Company's troops, but insisted that those of the King were under him. Sir John retired to the encampment of his own regiment. The next day (the 19th) Generals Campbell, Ogle, Bruce, and Adams, met Sir John; they approved what he had done, and unanimously signed a paper, declaring, as officers appointed by the King, they would not receive orders from Colonel Lang. On the evening of the same day, to bring this dispute to the test, orders were issued, under the name of Lieutenant General Lang, for the movement of the army the next morning, Major General Burgoyne to command the right wing, and so forth. Here (continued the General) let us pause a moment upon the view of Sir John Burgoyne's situation. The army, to a man of the King's troops, and many of the Company's, astonished and indignant at the measure, which, exclusive of the affront, they believed to be unwarrantable by law, of putting a Colonel, by the power of a Presidency, over the heads of five Major Generals, commissioned by the King. The outcry round him was, to resist the insult put upon the King's officers.

officers. It was a moment, when a word, or perhaps a look from him, would have caused an immediate revolt in the camp, and the most dreadful confusion, perhaps in the settlement. What was Sir John's conduct? Stung to the quick, like the rest, in the feelings of a soldier, he suppressed his own resentments, he conciliated others; he looked only to the public safety; he took the only measure, that could at once have preserved the dignity, the honour, the rights of the King's commission, and secured obedience to the Government at Madras. He withdrew from the army, giving leave to the only other officer then present, superior to Colonel Lang, to do the same, and leaving orders to the next King's officer, Lieutenant Colonel Mackenzie, inferior to Colonel Lang, to obey Colonel Lang's orders. If ever there was a military crisis, that called more for the temper and ability of a General, if ever the exertion of those qualities were attended with more happy effects, I am at a loss (said the General) where to look for the instance in history. Sir, this conduct has met with admiration and applause wherever it has been stated; it has received, as I am told, and believe, what must be still more grateful to my friend when he knows it, the King's approbation. But what will be the astonishment of this House, when they hear that a conduct, thus applauded and approved, passing at the time without arrest, should more than three months afterwards, be made the leading charge against Sir John, under the terms *disobedience of orders and neglect of duty*? The General proceeded to state, that

from that time Sir John maintained his command of the King's troops in regard to returns, orders, and the general functions of his station, till the 23d of December, when it became necessary for him to report to Government the demand made upon him for a Court Martial upon an officer for offences not necessary to mention here, and to decide upon an appeal of two soldiers from the sentence of a regimental Court Martial. Some variance of opinion ensued relative to the nomination of a Deputy Judge Advocate, but no question was had, at that stage of the business, upon Sir John's complete authority, as Commander in Chief for the time being, to convene and approve the sentences of Courts Martial.—Dispute and perplexity to Sir John arose and increased; officers, whom he had appointed as members, were refused leave to attend, under pretence that they could not leave a neighbouring garrison. It was designed to obviate this pretence, by holding the Court in that garrison; the design was thwarted by other interferences of the Committee. At length, on the 28th of December, Sir John informed the Committee, that a Court Martial was ordered to sit on a certain day; that he meant to bring before that Court Martial, besides the trials before specified, the trial of an officer, who appeared to be particularly protected by them, for disobedience of orders: he wished to know whether the Committee meant to prevent that officer being tried, because in that case, or in any other upon which they might think proper to order the Court Martial not to be held, he should obey;

obey; but must formally protest, if Courts Martial, upon which discipline depended, were forbid, and appellants especially, denied legal redress, against being longer responsible for any disorders that might ensue. This letter produced the arrest, and the charges of causing and exciting mutiny and sedition. No foundation can Sir John Burgoyne's friends discover for these charges, more than has been mentioned—a firm adherence in the Commander in Chief to the rights vested in him by act of Parliament, and the King's warrant, to hold Courts Martial. Sir John's temper upon this occasion, as upon all the former, induced him to submit, protesting at the same time against the illegality and oppression exerted against him. I shall close this history, said the General, with one short recapitulation of my friend's fate:—Disappointed in his honest ambition to serve the Public, impoverished in his fortune, weakened in constitution by operations unheard of in this hemisphere, he is deprived of the benefit of the military law, which enjoins a trial in eight days, and must remain under capital charges for perhaps years; for his honour cannot be vindicated till a new Commander in Chief arrives in India. The consolation of Sir John's friends, under such a reflection upon his misfortunes, rests first upon the benignity of the royal mind, which will never suffer faithful subjects, and servants of the Crown, to be oppressed; they likewise believe and trust, that the King's Ministers will put forward measures to bring this case to trial; and lastly, they will consider as a happy omen, the patience with which

this House has listened to a member that, upon common occasions, has little claim to it; and they will feel, as they ought, the hope, that when the matter shall be more ripe for investigation, the House will neither shut their ears nor their mouths, to circumstances so singular and so severe. The General concluded with moving,

“ That there be laid before this House Copies, or
 “ Extracts, of the Correspondence between the Presidency of Fort St. George and the Directors of
 “ the East-India Company, so far as relate to the
 “ conduct of Major-general Sir John Burgoyne, and
 “ the causes of his arrest.”

Mr. *Dundas* said, the object which he conceived the honourable General wished to attain, could not possibly be answered in consequence of the operation of the present motion, should it be agreed to. He reminded the House, that the correspondence carried on between the Presidency of Fort St. George and the Court of Directors of the East-India Company, was a correspondence between the Directors at home and their servants in India; whereas the Commander in Chief of His Majesty's forces in India, being an officer holding his authority under a commission granted by the Crown, he was accountable for his conduct to the Crown alone, and his correspondence was necessarily confined to one of his Majesty's Secretaries of State and the Secretary at War. The Correspondence now required by the motion, would yield nothing more than Lord Macartney's account of the transaction in question, and certainly the House could

could not form an impartial judgement of the whole affair, from the statement of either of the parties singly; they must have before them Sir John Burgoyne's account as well as Lord Macartney's, or they could not possibly decide with justice on the business. Mr. Dundas said, he hoped for the reasons he had stated, the honourable General would be induced to withdraw his motion; if the honourable General should persist in it, he declared he should be under the necessity of moving a negative upon it. He further said, that the management of the army was the proper office of the executive Government, and that consequently every charge of misconduct in any commander, came under the cognizance of Government, whose duty it was to take the proper steps for examining the nature and grounds of the charge, and directing proceedings accordingly. On the other hand, it was the constitutional function of the House of Commons to watch over the conduct of the executive Government, and in case of real negligence, or suspicion of negligence, on the part of the latter, to exercise its inquisitorial faculties and institute an enquiry. But surely the House of Commons ought not prematurely to interfere, and to run so far before its office, as to take any matter, properly cognizable by Government in the first instance, out of its hands, before it had it in its power to do its duty. Hitherto, he conceived, there was no blame due to Ministers on the score of want of attention to this business; the last dispatches from India had so very lately arrived, that no person of the least candour could suppose it possible
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for Government, as yet, to have found time fully to have gone into a consideration of the matter. That they did not mean to overlook it, he could assure the honourable General. Nay it had already attracted their notice, although the dispatches that brought an account of it, had not been in their hands above two or three days. As Major-general Sir John Burgoyne acted under His Majesty's commission, he stood particularly entitled to the protection of Government; and if it should appear, that he had not been to blame, but had acted from the motives, and in the manner, stated by the honourable General, there could not be the smallest doubt, but Government would feel the cause of Sir John Burgoyne to be their cause, and consider the preservation of his honour, as the preservation of their own. It was impossible, Mr. Dundas said, to go into the matter, without having all the facts before them; but even were the case otherwise, it would be improper for him to do it at that moment. Considering the business abstractedly, however, and without meaning to pre-judge it in any shape whatever, possibly the result of the fullest examination of all the particular circumstances of the case would shew, that neither Lord Macartney nor Major-general Sir John Burgoyne had been to blame, but that the whole had originated in the bad arrangement of the Constitution of the Government of India. That Lord Macartney, acting under the direction of the Company at home, had done no more than his duty to those in whose service he was employed, by punctually obeying their orders; and that

that Major-general Sir John Burgoyne had thought the honour of his commission required, that he should act precisely in the manner in which he had acted. Whether this was or was not the true state of the case, would hereafter appear ; in the mean time, he declared, that the friends and relations of Major-general Sir John Burgoyne should be anxious to take the earliest opportunity of opening up the Major General's conduct, and having it fully explained, as the best means of removing any improper suspicions, that might attach, was perfectly natural, and therefore he was at no loss to account for the honourable General's having seized the occasion of making the present motion, in order to advantage himself of the opportunity it gave him of going fully into a recital of the facts, and, by that means, of doing justice to his honourable relation's character. He hoped the honourable General would be contented with having made use of the motion for that purpose, and would have no objection to withdraw it, for the reasons he had stated, viz. that such a motion could produce the account of the transaction as given by one party only, that it would therefore be an injustice to Major-general Sir John Burgoyne, whose reasons for his conduct ought to be before the House at the same time that Lord Macartney's dispatch was before it; that it would improperly interfere with the executive Government in one of its most known and received offices, and that there was not yet any ground to charge Government with delay, or want of attention, and as little reason to expect that it would not proceed upon the

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the business with all possible dispatch, deliberation, and impartiality.

Lord *North* rose to declare, that he agreed with his learned friend, that it would be better not to press the motion then. He hoped, therefore, the honourable General behind him would consent to withdraw it. He had the honour to be connected in relationship with Major-general Sir John Burgoyne, as well as his honourable friend behind him, and he owned he had felt the utmost pain and anxiety, when he first heard of the arrest of Sir John Burgoyne, and that he stood charged with offences of the most severe and disgraceful nature that could possibly be alledged against a military man. From a perfect knowledge of Major-general Sir John Burgoyne's character, from a conviction that he had as much zeal for the service, as nice a sense of honour, and as steady an attachment to his duty, as any officer who bore His Majesty's commission, he had been persuaded in his own mind, that, however appearances might stand against Sir John Burgoyne, there required nothing more than a fair and impartial examination of facts, to rescue his conduct from every possible degree of blame, and to place it in a point of view perfectly honourable to himself, and perfectly satisfactory to his friends. All, therefore, that any person attached to Major-general Sir John Burgoyne could desire, was a fair, a candid, and an impartial inquiry, from which alone justice could be obtained. From what his learned friend had just said, he did not doubt but such an inquiry would be instituted, and that Sir John Burgoyne

Burgoyne would meet with every attention the merit and justice of his cause should be found to deserve. His learned friend had spoken in a manner becoming every man, who wished to preserve respect to Government, and had shewn that Government had in their view to do what was right on the occasion; that they felt that the honour of Sir John Burgoyne was in their hands, and that every officer acting under His Majesty's commission was entitled to their protection. Government, it was very true, had so lately received the last dispatches from India, that it could not be expected they could yet have had time fully to go into the investigation, or to be able to decide upon it. Certainly, therefore, it was not to be imputed to them, that they had shewn any negligence or any want of attention; and as it was the immediate province of the executive, to examine charges made against officers acting in distinguished situations on the one hand, and complaints made by the officers on the other, he was of opinion, that it was right to leave the matter at present in the hands of Government. He did not mean, his Lordship said, to go into the transaction then, because, undoubtedly, the papers called for, were not before the House; and if they were, they certainly would only give one side of the question. When, however, the matter was fully gone into, and all the facts and all the circumstances ascertained, and a proper and just allowance made for the motives upon which Major-general Sir John Burgoyne had acted, he believed it would be found, that so far from having merited such heavy charges as

mutiny and disobedience of orders, Sir John Burgoyne's conduct had been dictated solely by a due regard to the honour of his commission, and that he had acted in one of the most difficult and mortifying situations into which an officer of great merit and of high rank could possibly be put, with unexampled prudence, and with singular moderation and propriety. Sir John Burgoyne, his Lordship said, had been sent out to India with a Major-general's commission, and the high rank of Commander in Chief of all His Majesty's forces in the Carnatic, and on the coast of Coromandel, and after having joined the army in that capacity, the Presidency of Fort St. George made Colonel Lang, an officer in the Company's service, a Lieutenant General at once, by that means giving him a superior rank to that of the Commander of His Majesty's forces. This happened in September, and thereupon Sir John Burgoyne, feeling for the honour of the King's commission, and conscious of what was due to himself, ceased to give any orders to the troops, or to receive any from Colonel Lang; but from a desire to promote the good of the service he was sent out to conduct, and from a laudable willingness to sacrifice every private sentiment to the public cause, though he could not himself receive orders from Colonel Lang, who the day before had been under his command, withdrew from the army, and gave the officers next in rank, but who had likewise been Colonel Lang's superiors, leave to retire, leaving the troops under the command of one of His Majesty's officers, who

who was not circumstanced as he and the others who retired were, with directions to receive and obey the orders of Colonel Lang: in this manner the service went on, and by this good conduct in Sir John Burgoyne, all that disturbance and general mutiny was prevented, which would have been occasioned; had not Sir John Burgoyne acted with the prudence and moderation that he had done. It afterwards happened that a Court Martial was demanded on two soldiers, as an appeal from a regimental Court Martial, and application was made to Major-general Sir John Burgoyne to order one. He accordingly gave notice of the application to the President and Council of Fort St. George, sending word that if the Governor and Council would take it upon themselves; and send him orders not to convene a Court Martial, he would obey those orders. Sir John Burgoyne had afterwards been charged with mutiny and disobedience of orders, between the 27th of December and the middle of January, although in all that time he had held the same conduct exactly as he had held from the time retired, on the appointment of Colonel Lang to the rank of a Lieutenant General. His Lordship made various reflections on these facts, and said, that though the inquiry must necessarily be suspended for the reasons stated by his learned friend, he trusted that the House and the Public at large would not imagine that an officer of the merit of Major-general Sir John Burgoyne, an officer of near thirty years service, of great gallantry and of great military character, had been guilty of mutiny and disobe-

dience of orders, but that they would forbear to form any opinion upon the validity of the charges till the matter had been fully investigated. All he wished was, that impartial justice should be done. If Sir John Burgoyne had acted improperly, and if it should appear that his conduct had proceeded from a bad motive, let him be punished; but if it should turn out otherwise, (and he had every reason to assure himself that it would) in that case let Sir John Burgoyne receive the praise that was so justly his due for his having acted under most difficult and trying circumstances with singular prudence, and with unexampled moderation. His Lordship wished not to be understood as meaning in any degree to blame Lord Macartney. He had no desire to detract from the great merit of that able and distinguished character. He had no doubt but Lord Macartney had been governed in his conduct solely by a sense of his duty to the Company, and had acted in a manner, which to him appeared most conformable to the wishes of the Directors at home. He was of opinion with his learned friend, that when the whole matter came to be developed, it would be found that neither Sir John Burgoyne nor Lord Macartney had been to blame, but that all that happened rather grew out of the badly-arranged system in India, and the want of the two services, (his Majesty's forces there, and the Company's troops) being put upon a better footing. His Lordship concluded with expressing a wish that the motion should be withdrawn.

Mr.

Mr. Fox rose to say a few words, in order that as much justice might be done to Lord Macartney in the public opinion, as to Major General Sir John Burgoyne. Mr. Fox said, he did not entirely agree with every thing that had been said upon the subject by the honourable General and his noble friend. A great deal would depend upon the question, Whether an officer bearing his Majesty's commission in India, was or was not bound to obey an officer promoted to a superior rank by the Company's servants, notwithstanding that officer had held inferior rank before? A civil man as he was, and not skilled in the science of military *etiquette*, it was impossible for him to decide upon this question. But *prima facie* it appeared to him, that if the Presidency of Fort St. George had a power to promote any officer to the rank of Lieutenant General, in that case every officer holding inferior rank was bound to obey him without adverting to the circumstances, be they what they might, of his own superiority, in point of rank, over such Lieutenant General, antecedent to his promotion. He could not, for the reasons he had stated, take upon him to pronounce that this was the *etiquette*, but *prima facie*, it appeared reasonable that it should be so; and if he was right in his position, Sir John Burgoyne had, however honourable his motive, (and he did not mean to insinuate that it had been other than honourable) acted from a false sense of what was due to the King's commission, because he ought to have obeyed Colonel Lang, let his rank, antecedent to his promotion

motion to a Lieutenant Generalship, have been what it might. With regard to who had been in the right, and who in the wrong, Mr. Fox said, he could not declare; possibly as the learned gentleman had observed, it might turn out that neither Lord Macartney nor Sir John Burgoyne had been to blame, but that each had acted from a strict attention to duty, and under an idea, that they were best discharging it, by pursuing the line of conduct they had severally adopted, or perhaps the whole might have arisen from that other circumstance adverted to by the learned gentleman, viz. the clashing services of the King's troops and the Company's, and from want of arrangement in that respect, complained of in a former debate by a young member (Colonel Cathcart) in a speech so full of information, and so much to his own honour. One circumstance relative to this extraordinary transaction, Mr. Fox said, he was apprised of, that gave him some concern; it was the circumstance of Lord Macartney and Major General Sir John Burgoyne's not agreeing about several of the principal facts that made part of the transaction. This he was extremely sorry to hear, because he could not but consider it, as a very unfortunate circumstance. With regard to Lord Macartney, it had been admitted on all hands, that he had not been to blame, it having been agreed, not only by the learned gentleman, but by his honourable friend, and by the noble Lord near him, that Lord Macartney had acted in obedience to the orders of the Directors at home. Of this he had no doubt, because there certainly did

did not exist a character more remarkable through life, for a strict conformity to the duties of his office, be that office what it might, and a more implicit obedience to the orders of those intitled to give orders, than Lord Macartney. Another circumstance in Lord Macartney's justification was this: According to the act of Parliament passed some time since, the Directors were obliged to submit all the orders they sent out to the different Presidencies in India, relative to military services, to His Majesty's Secretary of State, and to obtain that Secretary of State's concurrence. It was fair to presume, therefore, that Government were apprized of the intended promotion of Colonel Lang, and if so, they were the best judges what directions had been sent out to Major-general Sir John Burgoyne. It was fair also to conclude, that Lord Macartney thought Major-general Sir John Burgoyne had received information from home what the orders sent out by the Court of Directors had been, and instructions how to act upon them. That Government were not to blame on the ground of having neglected to attend to a fact of so much importance, as the arrest of Sir John Burgoyne, and all circumstances attending it, Mr. Fox said, was undoubtedly true. It was equally true that the present motion would not sufficiently explain the matter, as it would only bring Lord Macartney's state of the affair before the House; and Sir John Burgoyne's correspondence was confined to the Secretary at War and the Secretary of State. It was, therefore, right to let the matter

matter remain in the hands of Government for the present, and from what had been said, he hoped and trusted they would do strict and impartial justice. If they should not, it would remain for the House to inquire why Government had not done its duty, and to proceed accordingly. Mr. Fox concluded with advising his honourable friend to withdraw his motion.

The *Secretary at War* said, he meant not to go into the matter, as an honourable General, the noble Lord, and a right honourable gentleman who had just sat down, had done, because, even if the motion was carried, still it would be impossible to ground any decisive opinion upon the case, as the whole of it would not be before the House, unless they had upon their table the correspondence of Major-general Sir John Burgoyne with His Majesty's Secretary of State. But at any rate, it would, in his opinion, be improper to agitate the matter, in that stage of it, in the House. Government, he would assure the House, had not received the account of this transaction more than two days; it therefore had not been possible for them to go fully into the consideration of it, but it was their determined purpose to do so, and the friends of both parties, as well those of Lord Macartney, as of Major-general Sir John Burgoyne, might rest satisfied, that it was the intention of Government to sift the matter to the bottom, and act with the strictest impartiality. Sir George remarked, that in the opening of the honourable General's speech, he had said, that if any one gentleman, of any description, expressed

expressed an objection to the motion, he would not persist in it, or press it upon the House. That declaration, he should have thought a very sufficient reason for not making the motion at all, and therefore he wished it had not been made. He, as well as the learned gentleman, did feel much objection to it, and therefore if it was not withdrawn, he should endeavour to get rid of it, by moving the order of the day.

General *Burgoyne* rose again, to take notice of one observation made by the right honourable Secretary at War, and that was, that at present the House could only have Lord Macartney's account of the transaction. The General said, he hoped it would be remembered, that Major-general Sir John Burgoyne's friends had been willing to trust his cause upon Lord Macartney's own statement of its circumstances; which surely was no slight proof of their consciousness of his innocence. The General said, as it appeared to be the sense of the House, that the motion should be withdrawn; and since, from what had fallen from the learned gentleman over the way, he had every reason to expect that a full investigation would take place, and that impartial justice would be done, he had no objection to withdraw his motion.

The motion was accordingly withdrawn.

T H E E N D.

the fact, that, therefore it would not withdraw, he should, as the learned gentleman, did not much object to, let him be withheld in his own mind. His as well as reason for not making the motion at all, and there-
 standing, he should have thought a very judicious
 point in it, or press it upon the House. I am dis-
 expressed an objection to the right, as would not

General Burgwin told again, to the notice of our
observation made by the right honorable Secretary
at War, and that was, that at present the House
could only have a faint idea of the account of the
transaction. The General said he hoped it would
be remembered, that in the summer of 1812, when
General Burgwin had been willing to trust his
own friends, and his own friends were in the
House, which was no proof of their
loyalty or honesty, and the General said
appeared to be the case of the House, that the
House should be informed, and that the
and taken from the armed forces over the war
he had every reason to expect a full and
tion would take place, and the important
would be no objection to withdraw.

The enclosed was the original of the letter from the Board of Directors of the American Red Cross, dated June 1, 1917, and the letter from the American Red Cross, dated June 1, 1917, and the letter from the American Red Cross, dated June 1, 1917.

A BILL (with the Amendments) for the better Regulation and Management of the Affairs of the East-India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of Offences committed in the East Indies.

N. B. The words printed in *Italic*, and the additional clauses marked (A) (B) (C) &c. were inserted by the Committee.

FOR the better government and security of the territorial possessions of this kingdom in the East Indies, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's Majesty, his heirs and successors, by any commission to be issued under the Great Seal of Great Britain, to nominate and appoint such *persons, not exceeding six in number*, as His Majesty shall think fit, being of His Majesty's most honourable Privy Council, of whom *one of His Majesty's principal Secretaries of State* for the time being, and the Chancellor of the Exchequer for the time being, shall be two, to be, and who shall accordingly be Commissioners for the affairs of India.

And be it further enacted by the authority aforesaid, That any number, not less than *three* of the said Commissioners, shall form a Board for executing the several powers which, by this or any other act, shall be vested in the Commissioners aforesaid.

And be it further enacted, That the said Secretary of State, and, in his absence, the said Chancellor of the Exchequer, and, in the absence of both of them, the senior of the said other Commissioners, according to his rank in seniority of appointment as one of His Majesty's most honourable Privy Council, shall preside at, and be President of the said Board; and that the said Commissioners shall have, and they are hereby invested with, the superintendence and control over all the British territorial possessions in the East Indies, and over the affairs of the United Company of Merchants trading thereto, in manner herein after directed.

And be it further enacted, That in case the members present at the said Board shall at any time be equally divided in opinion, in respect to any matter depending before them, then, and in every such case, the then President of the said Board shall have *two* voices, or the casting vote.

And be it further enacted, That it shall and may be lawful for the King's Majesty, his heirs and successors, from time to time, at his and their will and pleasure, to revoke and determine the commission aforesaid, and from time to time to cause any new commission or commissions to be sealed as aforesaid, for appointing any other person or persons, being of His Majesty's most honourable Privy Council, of whom *one of His Majesty's principal Secretaries of State*, and the Chancellor of the Exchequer for the time being, shall always be *two*, to be Commissioners and Members of the said Board, when and so often as His Majesty, his heirs or successors, shall think fit, so that the number of Commissioners therein to be named shall in no wise exceed the aforesaid number of *six*.

And be it further enacted, That the said Board shall be fully authorised and impowered, from time to time, to superintend, direct, and control, all acts, operations, and concerns, which in any wise relate to the civil or military government or revenues of the *British territorial possessions in the East Indies*.

And be it further enacted, That the said Secretary of State for the time being shall nominate and appoint *such Secretary's clerks and other officers as shall be necessary to attend upon the said Board, who shall be subject to dismissal at the pleasure of the said Board, and that all proceedings whatsoever to be had by or before the said Board shall be entered in proper books; and that the said Secretary's clerks and other officers shall be paid such salaries as His Majesty shall, by warrant under his sign manual, direct.*

Provided always, and be it further enacted, That the members of the said Board, before they shall proceed to act in the execution of any of the powers or authorities to them given by this act (save only the power of administering the oath after mentioned) shall severally take and subscribe the following oath: (that is to say)

" I A. B. do faithfully promise and swear, That, as a Commissioner or
 " member of the Board for the affairs of India, I will give my best
 " advice and assistance for the good government of the British posses-
 " sions in the East Indies; and will execute the several powers and
 " trusts reposed in me according to the best of my skill and judgement,
 " without favour or affection, prejudice or malice, to any person what-
 " soever."

Which said oath any two of the members of the said Board shall and are hereby impowered to administer; and the said oath shall be entered by the said Secretary amongst the acts of the Board, and be duly subscribed and attested by the members thereof, at the time of their taking and administering the same to each other respectively. (A)

And, to the intent that the said Board may be duly informed of all transactions of the said Company, in respect to the management of their concerns in the East Indies, be it further enacted, That all the members of the said Board shall, at all convenient times, have access to all papers and muniments of the said United Company, and shall be furnished with such extracts or copies thereof as they shall from time to time require; and that the Court of Directors of the said United Company shall, and they are hereby required and directed to deliver to the said Board copies of all minutes, orders, resolutions, and other proceedings, of all General and Special Courts of Proprietors of the said Company, and of the said Court of Directors, *so far as relate to the civil or military government or revenues of the British territorial possessions in the East Indies*, within eight days after the holding of such respective Courts; and also copies of all dispatches which the said Directors, or any Committee of the said Directors, shall receive from any of their servants in the East Indies, immediately after the arrival thereof; and also copies of all letters, orders, and instructions whatsoever, relating to the civil or military government or revenues of the British territorial possessions in the East Indies, proposed to be sent or dispatched, by the said Court of Directors, or any Committee of the said Directors, to any of the servants of the said Company in the East Indies; and that the said Court of Directors of the said United Company shall, and they are hereby required to pay due obedience to, and shall be governed and bound by, such orders and directions as they shall from time

time to time receive from the said Board, touching the civil or military government and revenues of the *British territorial* possessions in the East Indies.

And be it further enacted, That, within *fourteen* days after the receipt of such copies last mentioned, the said Board shall return the same to the said Court of Directors, with their approbation thereof, subscribed by *three* of the members of the said Board, or their reasons at large for disapproving the same, together with instructions from the said Board to the said Court of Directors in respect thereto; and that the said Court of Directors shall thereupon dispatch and send the letters, orders, and instructions, so approved or amended, to their servants in India, without farther delay, *unless on any representation made by the said Directors to the said Board, the said Board shall direct any alterations to be made in such letters, orders, or instructions*; and no letters, orders, or instructions, until after such previous communication thereof to the said Board, shall at any time be sent or dispatched, by the said Court of Directors, to the East Indies, on any account or pretence whatsoever.

And, for the readier dispatch of the civil and military concerns of the said United Company, be it further enacted, That *whenever the Court of Directors of the said United Company shall neglect to transmit to the said Board their intended dispatches, on any subject, within fourteen days after requisition made, it shall and may be lawful to and for the said Board to prepare and send to the Directors of the East-India Company (without waiting for the receipt of the copies of dispatches intended to be sent by the said Court of Directors as aforesaid) any orders or instructions to any of the Governments or Presidencies aforesaid, concerning the civil or military government of the British territories and possessions in the East Indies; and the said Directors shall, and they are hereby required to transmit dispatches in the usual form, (pursuant to the tenor of the said orders and instructions so transmitted to them) to the respective Governments and Presidencies in India, unless, on any representation made by the said Directors to the said Board touching such orders or instructions, the said Board shall direct any alteration to be made in the same; which directions the said Court of Directors shall in such case be bound to conform to.*

And be it further enacted, That in case the said Board shall send any orders or instructions to the said Court of Directors, to be by them transmitted to India, which, in the opinion of the said Court of Directors, shall relate to points not connected with the civil or military government and revenues of the said territories and possessions in India, then, and in any such case, it shall be lawful for the said Court of Directors to apply, by petition, to His Majesty in Council, touching such orders and instructions; and His Majesty in Council shall decide whether the same be, or be not, connected with the civil or military government and revenues of the said territories and possessions in India; which decision shall be final and conclusive.

Provided nevertheless, and be it further enacted, That if the said Board shall be of opinion that the subject matter of any of their deliberations, concerning the levying of war or making of peace, or treating or negotiating with any of the native Princes or States in India, it shall and *may be lawful for the said Board to send secret orders and instructions to the Secret Committee of the said Court of Directors for the time being, who shall thereupon, without disclosing the same, transmit their orders and dispatches in the usual form, according to the tenor of the said orders and instructions of the said Board, to the respective Governments and Presidencies in India; and that the said Governments and Presidencies shall pay a faithful obe-*

diſſence to ſuch orders and diſpatches, and ſhall return their answers to the ſame, ſealed (under cover) with their reſpective ſeals, to the ſaid Secret Committee, who ſhall from time to time communicate ſuch answers to the ſaid Board. (B)

Provided alſo, and be it further enacted and declared by the authority aforeſaid, That nothing in this act contained ſhall extend to give unto the ſaid Board the power of nominating or appointing any of the ſervants of the ſaid United Company; any thing herein contained to the contrary notwithstanding.

And be it further enacted, That as ſoon as the office of any one of the Counſellors of the preſidency of Fort William, in Bengal, other than the Commander in Chief, ſhall become vacant, by death, removal, or reſignation, the vacancy ſo happening ſhall not be ſupplied by the ſaid Court of Directors; but the ſaid Supreme Government ſhall from thenceforward conſiſt of a Governor General and three Supreme Counſellors only; and that the Commander in Chief of the Company's forces in India for the time being ſhall have voice and precedence in Council next after the ſaid Governor General; any thing in any former act of Parliament contained to the contrary notwithstanding.

And be it further enacted, That the government of the ſeveral preſidencies and ſettlements of Fort Saint George and Bombay ſhall, after the commencement of this act, conſiſt of a Governor or Preſident, and three Counſellors only, of whom the Commander in Chief in the ſaid ſeveral ſettlements, for the time being, ſhall be one, having the like precedence in Council as in the preſidency of Fort William, in Bengal; *unless the Commander in Chief of the Company's forces in India ſhall happen to be preſent in either of the ſaid ſettlements; and in ſuch caſe the ſaid Commander in Chief ſhall be one of the ſaid Counſellors inſtead of the Commander in Chief of ſuch ſettlement; and that the ſaid Commander in Chief of ſuch ſettlement ſhall, during ſuch time, have only a ſeat, but no voice in the ſaid Council.*

And be it further enacted, That the Court of Directors of the ſaid United Company ſhall, within the ſpace of *one calendar month* next after the paſſing of this act, nominate and appoint, *from amongſt the ſervants of the ſaid Company in India, or any other perſons*, a fit and proper perſon to be the Governor of the ſaid preſidency or ſettlement of Fort Saint George, and two other fit and proper perſons *from amongſt the ſaid ſervants in India, who, together with the Commander in Chief at Fort Saint George for the time being, ſhall be the Council of the ſame preſidency or ſettlement; and that the ſaid Court of Directors ſhall alſo, in like manner, and within the time aforeſaid, nominate and appoint fit and proper perſons to be the Governor and Council of the ſaid preſidency or ſettlement of Bombay, under the ſame reſtrictions as are herein before provided in reſpect to the Governor or Preſident and Council of Fort Saint George.* (C)

And be it further enacted, That it ſhall and may be lawful to and for the King's Maſteſty, his heirs and ſucceſſors, by any writing or inſtrument under his or their ſign manual, counterſigned by the ſaid Secretary of State, or for the Court of Directors of the ſaid United Company for the time being, by writing under their hands, to remove or recal the preſent or any future Governor General of Fort William at Bengal, or any of the members of the Council of Fort William aforeſaid, or any of the Governors or Preſidents and members of the Councils of the Preſidencies or ſettlements of Fort Saint George and Bombay, or of any other Britiſh ſettlements in India, or any other perſon or perſons holding any office, employment, or comiſſion, civil or military, under the ſaid United Company in India for the time being; and to vacate and make void all and every or any appointment or appointments of any perſon or perſons to any of the offices or places aforeſaid; and

and that all and every the powers and authorities of the respective persons so removed or recalled, or whose appointment shall be so vacated, shall cease or determine at or from such respective time or times as in the said writing or writings shall be expressed and directed: Provided always, that a duplicate or copy of every such writing or instrument, under His Majesty's sign manual, attested by the said Secretary of State for the time being, shall, within eight days after the same shall be signed by His Majesty, his heirs or successors, be transmitted or delivered, by the said Secretary of State, unto the Chairman or Deputy Chairman for the time being of the said United Company, to the intent that the Court of Directors of the said Company may be apprized thereof.

And be it further enacted, That whenever any vacancy or vacancies of the office of Governor General or President, or of any Member of the Council, shall happen in any of the Presidencies aforesaid, either by death, resignation, or recal, as aforesaid, then and in such case the Court of Directors of the said United Company shall proceed to nominate and appoint a fit person or persons to supply such vacancy or vacancies, from amongst their covenanted Servants in India, except to the office of Governor General, or the office of Governor or President of Fort Saint George or Bombay, or of any Commander in Chief, to which several offices the said Court of Directors shall be at liberty, if they shall think fit, to nominate and appoint any other person or persons respectively.

Provided always, and be it further enacted, That when and so often as the Court of Directors shall not, within the space of two calendar months, to be computed from the day whereon the notification of the vacancy shall have been received by the said Court of Directors, proceed to supply the same, then and in any such case, and so often as the same shall happen, it shall be lawful for His Majesty, his heirs and successors, to constitute and appoint, by writing under his or their royal sign manual, under the same restrictions and regulations as are herein before provided with respect to the nominations and appointments made by the said Court of Directors, such person or persons as His Majesty, his heirs and successors, shall think proper to succeed to, and supply the respective office or place, offices or places, so vacant, or from which any person or persons shall be so recalled or removed, or whose appointment or appointments shall have been vacated and made void as aforesaid; and that every person or persons, so constituted and appointed, shall have and be invested with the same powers, privileges, and authorities, as if he or they had been nominated and appointed by the said Court of Directors, and shall be subject to recal only by the King's Majesty, his heirs or successors; any thing herein contained to the contrary notwithstanding.

And be it further enacted, That no resignation to be made of the offices of the Governor General, or Governor or President of any of the subordinate settlements, or Commander in Chief, or Member of the respective Councils, of any of the said Presidencies in India, shall be deemed or construed to be legal or valid, or shall be accepted as such, unless the same be made by an instrument in writing under the hand of the officer or person resigning the same.

And be it further enacted, That no order or resolution of any General Court of the Proprietors of the said United Company shall be available to revoke or rescind or in any respect to affect, any act, order, resolution, matter, or proceeding, of the said Court of Directors, by this act directed or authorized to be made or done by the said Court, after the same shall have been approved by the said Board, in the manner herein before directed, any law or usage to the contrary notwithstanding.

And

And be it further enacted, That so much and such parts of an act, made in the twenty-first year of the reign of His present Majesty, as directs the Court of Directors of the said United Company to deliver to the Commissioners of the Treasury, or to the High Treasurer for the time being, or to one of His Majesty's Principal Secretaries of State, copies of any letters or orders relating to the management of the revenues or the civil and military affairs of the said Company; and also all such powers and authorities given to or vested in the Proprietors and Directors of the said United Company, or in any General or Special Court thereof respectively, in and by any act of parliament or charter, as are contrary or repugnant to this act, or any thing herein contained, shall be, and the same are hereby discontinued, for and during the continuance of this act, any thing contained in any act or charter, or any custom or usage, to the contrary notwithstanding. (D)

And be it further enacted, That the Governor General and Council of Fort William aforesaid, and the several Presidents and Counsellors of Fort Saint George and Bombay, shall, at their several and respective Boards and Councils, proceed in the first place to the consideration of such questions and business as shall be proposed by the said Governor General or Presidents respectively; and when and so often as any matter or question shall be propounded at any of the said Boards or Councils, by any of the Counsellors thereof, it shall be competent to the said Governor General and Presidents respectively to postpone or adjourn the discussion of the matter or question so propounded to a future day: Provided always, that no such adjournments shall exceed *forty-eight hours*, nor shall the matter or question so proposed, be adjourned more than *twice*, without the consent of the Counsellor who originally proposed the same.

And whereas, to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour, and policy of this nation; Be it therefore further enacted by the authority aforesaid, That it shall not be lawful for the Governor General and Council of Fort William aforesaid, without the express command and authority of the said Court of Directors in any case (except where hostilities have actually been commenced or preparation actually made for the commencement of hostilities against the British nation in India, or against some of the Princes or States dependent thereon, or whose territories the said United Company shall be at such time engaged by any subsisting treaty to defend or guaranty) either to declare war or commence hostilities, or enter into any treaty for making war against any of the country Princes or States in India, or any treaty for guarantying the possessions of any country Princes or States, and that in such case it shall not be lawful for the said Governor General and Council to declare war, or commence hostilities, or enter into treaty for making war against any other Prince or State than such as shall be actually committing hostilities or making preparations as aforesaid; or to make such treaty for guarantying the possessions of any Prince or State but upon the consideration of such Prince or State actually engaging to assist the Company against such hostilities commenced or preparations made as aforesaid; and in all cases where hostilities shall be commenced or treaty made, the said Governor General and Council shall, by the most expeditious means they can devise, communicate the same unto the said Court of Directors, together with a full state of the information and intelligence upon which they shall have commenced such hostilities, or made such treaties, and their motives and reasons for the same at large.

And be it further enacted, That it shall not be lawful for the Governors or Presidents, and Counsellors, of Fort Saint George and Bombay, or of any other subordinate

ordinate settlement respectively, to make or issue any order for commencing hostilities, or levying war, or to negotiate or conclude any treaty of peace or other treaty with any Indian Prince or State (except in cases of sudden emergency or imminent danger, when it shall appear dangerous to postpone such hostilities of treaty; unless in pursuance of express orders from the said Governor General and Council of Fort William aforesaid, or from the said Court of Directors, and every such treaty shall if possible contain a clause for subjecting the same to the ratification or rejection of the Governor General and Council of Fort William aforesaid: And the said Presidents and Counsellors of the said Presidencies and settlements of Fort Saint George and Bombay, or other subordinate settlement, are hereby required to yield due obedience to all such orders as they shall from time to time respectively receive from the said Governor General and Council of Fort William aforesaid, concerning the premises.

And be it further enacted, That all and singular the said Presidents and Counsellors who shall wilfully refuse to pay due obedience to such orders and instructions as they shall receive from the said Governor General and Council of Fort William as aforesaid, shall be liable to be suspended from the exercise of their respective offices or powers, by order of the said Governor General and Council of Fort William; and all and every of them are hereby further required constantly and diligently to transmit to the said Governor General and Council of Fort William aforesaid, true and exact copies of all orders, resolutions, and acts in Council, of their respective Governments, Presidencies, and Councils, and also advice and intelligence of all transactions and matters which shall come to their knowledge, material to be communicated to the Governor General and Council of Fort William aforesaid.

(E) (F) (G)

And to the end and intent that the British establishments in India, as well civil as military, may be regulated and improved for the greater security of the State, the advantage of the service, and the benefit of the said United Company; Be it enacted by the authority aforesaid, That the Directors of the East-India Company shall take into their immediate consideration the respective establishments, civil and military, of their several Presidencies and settlements in India, and give such orders as the case will admit for every practicable retrenchment and reduction in the same; and shall also require from the said settlements and presidencies respectively such farther information as may be necessary to furnish them with a knowledge of the state of such establishments, together with full, minute, accurate, and particular lists and accounts to be stated of all the offices and employments on the civil establishment of the said United Company in India, and of all the forces within the several British settlements in the pay or service of the said United Company in India, distinguishing the different bodies, nations, or people which compose the same, and the salaries and emoluments appertaining to all and every of the said offices and employments, and the pay and emoluments of the commissioned and non-commissioned officers and private men in the army there, as well in peace as in war; together with the opinions of the respective Governments and Presidencies, and what method or system can be adopted for the better regulation as well of the said offices and employments as of the said forces, for retrenching unnecessary expences, and for introducing a just and laudable œconomy in every branch of the said civil and military departments: And the Court of Directors of the said United Company shall, as soon as may be after the receipt of the said lists and accounts, take the same into their consideration, and thereupon, by their order, declare what offices, places, and employments

ployments, as well civil as military, will in their judgement be adequate to the support of the honour and dignity of this kingdom in the East Indies, and the safety, defence, and security of the British possessions there; and to make and transmit to the said presidencies and settlements compleat and perfect lists of the said offices, places, and employments, and to specify and direct the rate and quantum of the respective pay, salaries, and emoluments to be hereafter allowed in respect thereof by the said United Company, as well in peace as in war: And that the said Court of Directors shall, and they are hereby required, within fourteen days after the commencement of every session of Parliament, to bring before the House of Commons a perfect list of all offices, places, and employments, in the civil and military establishments of the said United Company in the East Indies, with the salaries or pay and emoluments belonging thereto, or allowed or paid by the said Company in respect thereof.

And be it further enacted, That until the said several lists of the offices, places, and employments shall have been made and established as aforesaid, the said Court of Directors shall be, and they are hereby prohibited from appointing or sending to India any new servant, civil or military; and after such lists shall have been perfected and established, the said Court of Directors shall in no wise appoint or send out any greater number of persons, to be cadets or writers, or in any other capacity, than will be actually necessary, *in addition to the persons on the spot*, to supply and keep up the proper complement or number of officers and servants contained in the said lists, according to such returns of vacancies as the proper officers of the said Company shall, from time to time, transmit from India to the said Court of Directors.

And be it further enacted, That from and after the commencement of this act, all promotions and advancements of the officers and servants of the said United Company in India, as well civil as military, in their respective lines or professions, *under the degrees of the respective Counsellors and Commander in Chief*, shall be made according to seniority of appointment, in a regular progressive succession, unless any of the said Governments and Presidencies shall, on any very urgent occasion, by a vote in Council, see cause to deviate from the said general rule hereby directed to be observed; and on every such occasion the said Government or Presidency shall cause a full and perfect entry to be made upon their minutes of consultation, specifying all the circumstances of the case, and their reasons and inducements at large for making such deviation, and shall transmit the same to the said Court of Directors, by the first opportunity that shall occur, for their order and direction therein, and that all nominations and appointments to be made repugnant or contrary to the directions of this act, whether the same shall be made by the Court of Directors of the said United Company, or by any of the said Governments or Presidencies (save and except in cases of urgency as aforesaid) shall be null and void.

And be it further enacted, That from and after the passing of this act, no person shall be capable of acting, or of being appointed or sent out by the said Court of Directors to the East Indies, in the capacity of a writer or cadet, whose age shall be *under 15 years, or shall exceed the age of 22 years*, and that no person shall be capable of acting, or of being appointed or sent out in either of such capacities, until he shall have procured and filed with the Secretary of the said United Company, or of the said Court of Directors, a certificate of his age, under the hand of the Minister of the parish, or keeper of the registry of the same; and that when no such registry shall exist or can be found, an affidavit of that fact shall

shall be made by the party, with his information and belief that his age is *not less than Fifteen years, and doth not exceed twenty-two years*, and such affidavit shall and may, if the said Court of Directors shall so think fit, be received and filed with the said Secretary in the stead of such certificate, *provided that nothing herein contained shall extend to prevent the said Court of Directors from appointing any Persons to be cadets who shall have actually been one whole year commissioned officers in His Majesty's service, or in the Militia or Fencible Men, when embodied and called out into actual service, and whose age shall not exceed twenty-five years.*

And be it further enacted, That all His Majesty's subjects, as well servants of the said United Company as others, shall be, and are hereby declared to be, amenable to all Courts of Justice (both in India and Great Britain) of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, Misdemeanors, crimes, and offences whatsoever, by them or any of them done, or to be done or committed, in any of the lands or territories of any native Prince or State, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British Government in India.

And be it further enacted, That the demanding or receiving of any sum of money, or other valuable thing, as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the said Company, or of any other person *whomsoever*, by any British Subject holding or exercising any office or employment under His Majesty, or the said United Company, in the East Indies, shall be deemed and taken to be extortion, and shall be proceeded against and punished as such, under and by virtue of this act; and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof.

Provided always, and be it further enacted, That the Court of Jurisdiction before whom every such offence shall be tried, shall have full power and authority to direct the said present or gift, or the value thereof, to be restored to the party who gave the same, or to order the whole, or any part thereof, or of any fine which the Court shall set on the offender, to be paid or given to the prosecutor or informer, as such Court in its discretion shall think fit.

And be it further enacted, That so much of the *aforesaid* act of the thirteenth year of the King's Majesty's Reign, as subjects any person receiving or accepting gifts or presents to any penalty or forfeiture for so doing, or as directs that such gifts, presents, penalties, or forfeitures, shall belong to the said Company, shall be, and the same is hereby repealed.

Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prohibit or prevent any person exercising the profession of counsellor at law, physician, or surgeon, or any chaplain, from accepting, taking, or receiving fees, gratuities, or rewards (*bonâ fide*) in the way of his profession only.

And be it further enacted, That the wilful disobeying, or the wilful omitting to execute the orders or instructions of the Court of Directors of the said United Company, by any of the officers or servants of the said United Company in the East Indies (unless in cases of necessity, the burthen of the proof of which necessity shall be on the party so disobeying or omitting to execute such orders and instructions as *aforsaid*) and every wilful breach of the trust and duty of any office or employment, under the said United Company, by any of the officers or servants

of the said United Company in the East Indies, shall be deemed and taken to be a *misdemeanor at law*, and shall be proceeded against and punished as such by virtue of this act.

And be it further enacted by the authority aforesaid, That the making or entering into, or being a party to any corrupt bargain or contract, for the giving up, or for obtaining, or in any other manner touching or concerning the trust and duty of any such office or employment under the said United Company in the East Indies, by any British subjects whatsoever there resident, shall be deemed and taken to be a *misdemeanor at law*, and shall be proceeded against and prosecuted as such by virtue of this act.

And be it further enacted, That after sentence or judgement of any Court, having competent jurisdiction, whether in Great Britain or in India, against any of the said United Company's servants, civil or military, for any debt or penalty due or belonging to the said United Company, or for any extortion or other misdemeanor, it shall not be lawful for the said United Company, upon any pretence whatsoever, to release or compound such sentence or judgement, or to restore any servant or servants of the said Company, who shall have been removed or dismissed from his or their office or employment, for or on account of misbehaviour, by the sentence of any of the said Courts.

And, for the remedying of the abuses which have prevailed in the collection and receipt of the revenues of the said United Company, be it further enacted by the authority aforesaid, That every person, *being a British born subject*, who shall be appointed or authorised to collect and receive the rents, duties, or revenues, of and belonging, and due and payable to the said United Company, shall, before he enters upon the collection and receipt thereof, take and subscribe the following oath; which oath the Chief Justice, or one of the Puisne Judges of the Supreme Court of Judicature at Bengal, or the Mayor or other Magistrate in any of the other Presidencies or settlements, shall, and is hereby authorised and commanded to administer; and such oath, so administered, shall be recorded in the Supreme Court at Calcutta, or in one of the said Provincial or Mayor's Courts: (that is to say)

"I A. B. do promise and swear, That I will, to the utmost of my
endeavours, well and faithfully execute and discharge the duties of
"a collector of revenue, reposed in and committed to me by the
"United Company of Merchants of England trading to the East
"Indies; and that I will not demand, take, or accept, directly or
indirectly, by myself, or by any other person for my use or on my
behalf, of or from any rajah, zemindar, talookdar, polygar, re-
nter, ryot, or other person, paying or liable to pay any tribute,
rent, or tax, to or for the use of the said United Company, any
sum of money, or other valuable thing, by way of gift, present,
or otherwise, over and above, or besides and except, the actual tri-
bute, rent, or tax, authorised to be taken by and for the use of the
said United Company; and that I will justly and truly accompt and
answer for the same to the said United Company:

"So help me GOD."

And be it further enacted, That it shall and may be lawful for the Governor General of Fort William aforesaid, for the time being, to issue his warrant under his hand and seal, directed to such peace officers and other persons as he shall think fit, for securing and detaining in custody any person or persons suspected of carry-
rying

rying on, *mediately or immediately*, any illicit commerce or correspondence, *dangerous to the peace or safety of the settlement, or of the British possessions in India*, with any of the princes, rājahs, zemindars, or other person or persons whatsoever having authority in India, or with the Commanders, Governors, or Presidents of any factories established in the East Indies by any European power, contrary to the rules and orders of the said Company; and if, upon examination taken upon oath, in writing, of any person or persons, other than the person so secured and detained, before the Governor General and Council of Fort William aforesaid, there shall appear reasonable grounds for the charge, the said Governor General shall be, and is hereby authorized and empowered to commit such person or persons so as last above described to safe custody, and shall, *within a reasonable time, not exceeding five days, cause to be delivered to him or them the charge or accusation on which he has been committed, and the party so confined shall be permitted to deliver in his defence in writing, together with a list of such witnesses as he shall desire to be examined in support of his defence, who shall be examined accordingly in his presence, and their examinations taken down in writing; and if, notwithstanding such defence, there shall appear reasonable grounds for the former proceeding, and for continuing the confinement, the party shall remain in custody until he or they is or are brought to trial in India, or sent to England for that purpose; and that all such examinations and proceedings shall be transmitted to the said Court of Directors by the first dispatches; and in case such person or persons are to be sent to England, the said Governor General shall, and he is hereby required to cause such person or persons to be sent by the first convenient opportunity, unless such person or persons shall be disabled by illness from undertaking the voyage.*

And be it further enacted, That the several Presidencies and Governments of Fort Saint George and Bombay, shall have the like powers, and *subject to the same regulations and restrictions*, to secure and detain persons suspected of any such illicit correspondence or commerce as aforesaid, within their respective Presidencies and settlements, as are hereby given to the said Governor General and Council of Fort William.

And, for the better preventing, or more easily punishing, the misconduct of the servants of the said United Company, employed in the settlements or affairs of the said Company in India, by a discovery of their estates and property on their return to Great Britain, be it further enacted, That every person now being, or who shall hereafter be, in the service of the said United Company in India, shall, within the space of *two calendar months* after his returning to Great Britain, deliver in upon oath, before the Lord Chief Baron of His Majesty's Court of Exchequer in England, or any two of the other Barons of the said Court, for the time being, respectively, (which oath the said Lord Chief Baron, and other Barons, are hereby respectively authorized to administer) duplicates of an exact particular or inventory of all and singular the lands, tenements, hereditaments, goods, chattels, debts, monies, securities for money, and other real and personal estate and property whatsoever, as well in Europe as in Asia, or elsewhere, which such person was seized or possessed of, or entitled unto, at the time of his arrival in Great Britain, in his own right, or which any person or persons was or were seized or possessed of in trust for him, or to or for his use or benefit, at the time of his said arrival in Great Britain, or at any time after, *specifying what part thereof was not acquired or purchased by property acquired in consequence of his residence in the East Indies*: and if any of the real or personal estate or property of any such person shall have been conveyed, alienated, transferred, or otherwise

disposed of, after his said arrival in Great Britain, then such person shall also, in and by his said particular or inventory, set forth an accurate description and specification of all such parts of his said real or personal estate and property as shall have been so conveyed, transferred, or disposed of, and how, and in what manner, and to whom, and at what time, and for what price or consideration, the same shall have been so conveyed, alienated, transferred, or disposed of, respectively.

And be it further enacted, That the Lord Chief Baron, or other Barons of the said Court of Exchequer, to whom any such particular or inventory shall be delivered upon oath, in pursuance of this act, shall, as soon as conveniently may be after the same shall have been received by him or them, deliver one of the said duplicates to the King's Remembrancer of the said Court, to be by him filed and recorded in the said Court as a public record, and the other duplicate thereof to the Chairman of the Court of Directors of the said United Company for the time being, to be deposited and kept amongst the public archives and papers of the said United Company, for the inspection and perusal of the members and proprietors of the said United Company: and in case any complaint shall, *within three years after the delivery of such particulars or inventory*, be made by the said Board for the affairs of India, or by the Court of Directors of the said United Company, or by any ten or more members or proprietors of the said Company, whose share or interest in the capital stock of the said United Company shall amount conjunctively to *ten thousand pounds* at the least, by memorial or petition to the said Court of Exchequer, or by the motion of counsel in the said Court, that any such particular or inventory is untrue, evasive, uncertain, or insufficient, or that it doth not contain the whole account of the real and personal estate and property of the person delivering the same; and it shall appear to the satisfaction of the said Court of Exchequer, either by inspection of any such particular or inventory, or upon the affidavit of any credible person or persons, that there is reasonable cause to suspect that any such particular or inventory doth not specify and disclose an account and description of the whole estate and property, as well real as personal, of the person delivering the same, according to the true intent and meaning of this act, then it shall and may be lawful for the said Court of Exchequer, by their order, to cause such person, at such time or times as the said Court shall for that purpose direct, to go before the King's Remembrancer of the said Court, or his Deputy for the time being, and be by him examined upon oath (which oath the said Remembrancer, or his Deputy, is hereby impowered and required to administer) upon such interrogatories, touching and concerning the said real and personal estate and property of the person aforesaid, or the disposal thereof, as the said Court shall think meet; and the said Court shall, if need be, cause any such person to be attached by the Sheriff, by any process or warrant from the said Court, and kept in the safe custody of such Sheriff, or in such prison as the said Court shall direct, until he shall have fully answered the said interrogatories to the satisfaction of the said Court.

And be it further enacted, That in case any person, by this act required to deliver duplicates of such particular or inventory as aforesaid, shall neglect to deliver the same within the time herein before for that purpose limited, or shall not submit to be examined, and fully answer any such interrogatories as aforesaid, or shall in his examination be guilty of any wilful falsity, or if it shall appear that *he hath been guilty* of any concealment or omission, or untrue specification of any part of his estate or property, real or personal, by this act directed to be set forth and

and specified in such particular or inventory, to the amount or value of *two thousand pounds*, such person shall *forfeit* all his lands, tenements, and hereditaments, monies, securities for money, debts, goods, and chattels, and other his real and personal estate whatsoever and wheresoever; *one moiety* whereof shall belong to our Sovereign Lord the King, his heirs and successors, and *the other moiety* shall belong to the said United Company, (subject nevertheless to such allowance to persons making any discovery thereof as herein after is mentioned) and shall and may be recovered by the King's Majesty, his heirs or successors, or by the said Company, by action of debt, bill, plaint, or information, wherein no *essoign*, protection, or wager of law shall be allowed, nor more than one imparlance; and such person shall moreover suffer imprisonment for such time as the said Court of Exchequer shall in their discretion think fit, without bail or mainprize.

Provided always, and be it declared and enacted, That nothing herein contained shall extend to compel any person, who shall arrive from India in Great Britain on or before the *first* day of *January*, One thousand Seven hundred and Eighty-seven, to deliver any such particular or inventory as *aforsaid*. (H) (1)

And be it further enacted, That any person who shall, within the space of *three* years next after the delivery of any such particular or inventory as *aforsaid*, voluntarily come before the said Lord Chief Baron, or any *one* of the Barons of the said Court of Exchequer, and make discovery upon oath of any part of the estate or property, real or personal, of any person delivering such inventory, which shall have been concealed, and not therein or thereby, or in any subsequent examination, specified, disclosed, or described, (any real estate so discovered being lands, tenements, or hereditaments, actually purchased, acquired, or contracted for, by or on the behalf of the party delivering the said particular or inventory) shall, upon conviction of the person who delivered such inventory, be allowed after the rate of *ten pounds per centum*, according to the value of the estate or effects so discovered, wheresoever the same shall be; which allowance, ad valorem, shall be paid to such discoverer out of the neat proceeds of such estate or effects which shall be discovered by his means as *aforsaid*.

And be it further enacted, That all and every the lands, tenements, and hereditaments, goods, chattels, monies, and other personal estate, of what kind or nature soever, which shall be forfeited and recovered, by virtue of this act, of and from any person or persons, by reason of his or their neglect or refusal to deliver any such particular or inventory as *aforsaid*, or by the making of any imperfect or untrue disclosure and discovery of his estate and effects, according to the true intent and meaning of this act, shall be sold and disposed of, by the order and authority of His Majesty's said Court of Exchequer, and the monies therefrom arising shall be paid and applied, under the order and authority of the said Court, to the use of the several persons entitled thereto, according to the directions and true intent of this act.

And be it further enacted, That no person or persons whatsoever, who shall have been appointed to any civil or military station, office, or capacity whatsoever, in the East Indies, by the sole appointment of the said United Company, shall be appointed, or be capable of, being appointed to the same, or any other station, office, or capacity, in the East Indies, or to claim or exercise, or be capable of claiming or exercising, any power, authority, or jurisdiction there, after he or they, having returned to this kingdom, shall have been resident therein, or in any other part of Europe, for the space of *five years*, unless it shall be made appear, by the oath of credible witnesses, or other authentic testimony, to the satisfaction as well of the

the said Board for the affairs of India, as of the Court of Directors of the said United Company, that such residence in Europe was on the account of, and became actually necessary for, the health of such person or persons respectively; any law or usage to the contrary notwithstanding.

Provided always, That nothing herein contained shall extend, or be construed to extend, to any appointment which shall be made by the Court of Directors of the said United Company, with the consent and approbation of a General Court of Proprietors of the said United Company specially convened for that purpose.

And whereas it would conduce to the better government, management, and ordering of the territories, possessions, revenues, and commerce of the said United Company, if some more effectual course than the common law hath provided were devised for the prosecuting and bringing to speedy and condign punishment the crime of extortion and other misdemeanors committed in the East Indies by British subjects holding offices or employments there under His Majesty, his heirs or successors, or under the said United Company, be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the Coroner and Attorney of our Lord the King in the Court of King's Bench, by rule of the Court of King's Bench, to be obtained upon motion to be made for that purpose, at the instance of any person or persons, and which rule the said Court is hereby empowered to grant at their discretion, if the magnitude and circumstances of the case shall appear to the said Court to render it proper, or for His Majesty's Attorney General, or for the Court of Directors or Court of Proprietors of the said United Company, in the name of the said United Company, to exhibit an information against any such person for any such offence as aforesaid committed, after the first day of January, One thousand Seven hundred and Eighty-five, in the said Court of King's Bench, whereupon the said Court shall and may, at the instance of the prosecutor, cause the party against whom such information shall have been exhibited as aforesaid, to be attached, and may and shall order him to stand committed to the prison of the Marshalsea, or to the Tower of London, or to the goal of Newgate, at the discretion of the said Court, there to be detained until he shall be delivered by the due course of law, or until he, together with two sufficient sureties, shall have entered into a recognizance unto the King's Majesty, his heirs and successors, in such sum of money, and with such condition for his appearance, and for satisfying the judgement to be pronounced in and upon such information, as to the said Court in its discretion shall seem meet; and so soon as the defendant shall have appeared and pleaded to the said information, the Chief Justice, or some of the Justices of the said Court of King's Bench, shall forthwith (unless any mandamus shall be granted for the examination of witnesses as herein after provided) deliver the record of the said information and plea to the Lord High Chancellor of Great Britain, or Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, who shall thereupon issue a commission under the said Great Seal in manner herein after provided. (K)

And be it further enacted, That within thirty days from the commencement of the next and every future session of Parliament, the Lords Spiritual and Temporal shall proceed to chuse, nominate, and appoint twenty-six or more members of their House; and in like manner the Commons of Great Britain in Parliament assembled, forty or more members of the said House of Commons, to be chosen by ballot; and the Speaker of each House respectively shall cause the list of the said names, so chosen, to be transmitted, under their respective hands and seals, to the Clerk of the Crown in Chancery, or his Deputy: and that whenever a commission is to be issued under the Great Seal of Great Britain, by virtue of this

act, the lists so returned shall be delivered over to such *three* Judges of the Courts of King's Bench, Common Pleas, or Exchequer, as the said Courts shall for that purpose respectively appoint, one Judge being nominated from each of the said Courts respectively; and if the said lists shall contain more than twenty-six members of the House of Lords, or forty of the House of Commons, respectively, the said Judges shall, within three days from the receipt thereof, cause the names contained in the said list or lists of either or both Houses respectively (as the case may happen) to be put into a box, and twenty-six names of the said Peers, and forty names of the said Commons to be publicly drawn by lot; and that the said three Judges shall have power and authority, and they are hereby required to give notice to all such members of the two Houses of Parliament, whose names shall have been so returned or drawn by lot as aforesaid, and also to His Majesty's Attorney General, or the prosecutor, as the case may require, of the time and place to be appointed by the said Judges (not exceeding twenty days from such lists being delivered to them as aforesaid) for proceeding in the execution of this act; and the names of all such members of either House of Parliament as shall not attend in consequence of such notice, shall be transmitted to the Speaker of each House respectively, within three days, if Parliament be then sitting, or if not, within three days after the next meeting of Parliament; and all such persons as shall appear to have made default as aforesaid, shall forfeit to His Majesty, his heirs and successors, the sum of five hundred pounds each, unless they shall offer such excuses as shall appear to each House of Parliament respectively to be valid and sufficient. (L) (M) (N)

And be it further enacted, That the names of all such members of either House of Parliament, contained in the said list, as shall personally appear at the time and place appointed as aforesaid, shall be put into a box, to be drawn out by lot in presence of the said Judges, and of the parties, or their counsel or agents; and the person against whom such information shall have been exhibited as aforesaid shall have the liberty, as the said names are drawn out, to make peremptory challenges, to the number of thirteen of the Peers, and twenty of the members of the House of Commons, whose names shall have been put into the said box; and His Majesty's Attorney General, or other prosecutor, as the case may happen, shall have power to make challenges for cause to be specially shewn to the said three Judges to any of the names which shall be so drawn out; and the first four names of the said Peers, and likewise the first six names of the said Commoners, which shall be drawn out after the said number of challenges respectively, or which, being drawn out, shall not be so challenged, shall be returned by the said Judges to the Lord High Chancellor, who shall cause the names of the said Peers, and members of the House of Commons, together with those of the said three Judges appointed as aforesaid, to be inserted in the special commission to be issued by virtue of this act; and the persons whose names are so inserted in the commission shall appear within ten days, and take the following oath before the Lord High Chancellor, or Lord Keeper, or Lords Commissioners of the Great Seal for the time being, or any one of them:

" I A. B. do swear, That I will well and truly try and determine, to the best of my judgement, the matter now to be brought before me, according to the evidence that shall be given."

" So help me GOD."

And in case the challenges shall reduce the number of names so drawn out to less than four Peers and six Commoners respectively, then and in such case the said three Judges shall certify the same to the respective Houses of Parliament, who shall proceed

proceed with all convenient dispatch to ballot afresh for lists of members to be transmitted to the Clerk of the Crown, or his Deputy, and afterwards to be inserted in a new commission to be issued in the manner herein before directed: and the said Commissioners shall have full power and authority to hear and determine every such information, and to pronounce judgement thereon, according to the effect of the judgment of the common law, upon convictions had and obtained according to the course of the common law, for extortion or other misdemeanor, and also to declare the party so convicted incapable of serving the said United Company in any capacity whatsoever; and that such judgement, to be pronounced by the said Commissioners as aforesaid in and upon such information, shall be good and effectual, and conclusive to all intents and purposes whatsoever; and that no certiorari shall be granted by any Court whatsoever, for removing the proceedings of the said Commissioners on such information into any Court whatsoever; and the proceedings of the said Commissioners shall not be impeached, or the validity thereof questioned, in any action or suit, or other proceeding, in any Court of Law or Equity whatsoever.
(O) (P) (Q) (R)

And be it further enacted, That the recognizance to be entered into as aforesaid shall bind the property of all and singular the goods and chattels, which were the goods and chattels of the principal party entering into such recognizance, at the time of his entering into the same, or which he shall or may acquire at any time afterwards, and before he shall be discharged from such recognizance; and shall also bind all estate and interest in all lands, tenements, and hereditaments, whereof the said principal party shall be seized or possessed, or whereof any person or persons, in trust for the party so entering in such recognizance, (at the time of his entering into the same, or at any time afterwards, and before he shall be discharged therefrom) shall be seized or possessed.

And be it further enacted, That where the party against whom such information shall have been exhibited as aforesaid, shall be adjudged to be guilty of the crime charged in such information, and shall be adjudged to pay a fine unto His Majesty, his heirs and successors, that it shall and may be lawful for His Majesty's Attorney General, or for the said United Company, to exhibit interrogatories before the Court of Exchequer, for the examination of the party adjudged to pay such fine as aforesaid, as to his estate and effects sufficient to answer the same fine; and if the said party shall not appear, or shall refuse to answer to such interrogatories, or shall wilfully conceal any part of his estate or effects, herein before declared to be bound by such recognizance as aforesaid, or which shall by law be liable to be extended in satisfaction thereof, such party, on his default of appearance before such Court, or on his refusal to answer such interrogatories, shall forfeit to the King's Majesty, his heirs and successors, all and singular his goods and chattels, lands, tenements, and hereditaments whatsoever, and shall be liable to be imprisoned in the jail of Newgate or Tower of London for such time as the said Court of Exchequer shall direct. (S)

And, in order to promote the ends of justice in ascertaining facts committed at so great a distance from this country, by such evidence as the nature of the case will render practicable, be it further enacted, That in all proceedings upon such information as aforesaid, as well the deposition taken under such commission or commissions, after the publication thereof, as also all writings which shall have been transmitted from the East Indies to the Court of Directors of the said United Company, in the East Indies in the usual course of their correspondence with the said Court of Directors, and copies of all paper writings which shall have been transmitted by

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the said Court of Directors, or by any Committee thereof, to the officers and servants of the said United Company resident in the East Indies, and which in any manner relate to the subject matter of the charge to be contained in such information, or to the defence to be made thereto, may be admitted by the said Commissioners to be offered in evidence, and shall not be deemed inadmissible or incompetent, unless upon objections arising from the nature of the contents of the said paper writings before them, if the said Commissioners shall think fit; subject nevertheless to be impeached, in point of credibility, by such observations and objections as the nature of such evidence, or other circumstances, may suggest, any rule of the common law to the contrary notwithstanding.

And be it further enacted, That the said Court of King's Bench shall have power and authority, at the prayer of His Majesty's Attorney General, or other prosecutor, or of the party against whom such information shall be exhibited, to order an examination de bene esse of witnesses resident in Great Britain or Ireland, upon interrogatories to be had and taken before an examiner to be by them appointed for that purpose, and to cause the depositions of such witnesses to be published, when the same shall appear to them to be proper and necessary; and which depositions shall be afterwards admitted to be read in evidence before the said Commissioners, and shall be deemed good and sufficient evidence in the law as aforesaid, saving all just exceptions to be taken to such depositions, when the same shall be offered to be read as aforesaid. (T) (U) (W)

And be it further enacted, That this act shall take place and have commencement in Great Britain immediately after the same shall have received His Majesty's royal assent, and shall take place and have commencement in the several Presidencies aforesaid, and in the territories thereunto belonging, from the first day of January, One thousand Seven hundred and Eighty-five.

And be it further enacted, That this act shall, and shall be deemed and taken to be a public act.

ADDITIONAL CLAUSES.

(A) And be it further enacted, That the several secretaries, clerks, and other officers of the said Board, shall also take and subscribe before the said Board, such oath of secrecy and office as the said Board shall direct.

(B) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Court of Directors of the said United Company for the time being, and they are hereby required from time to time to appoint a Secret Committee, to consist of any number of the said Directors for the time being, not exceeding three; which Secret Committee shall from time to time, upon the receipt of any such secret orders and instructions concerning the levying of war or making of peace, or treating or negotiating with any of the native Princes or States of India, from the said Commissioners for the affairs of India as are herein before mentioned, transmit to the respective Governments and Presidencies in India, a duplicate or duplicates of such orders and instructions, together with orders in writing, signed by them, the members of the said Secret Committee, to carry the same into execution; and to all such orders and instructions so trans-

mitted, the several Governments and Presidencies in India are hereby required to pay the same obedience as if such orders and directions had been issued and transmitted by the Court of Directors of the said United Company.

(C) And be it further enacted, That in case the members present at any of the Boards or Councils of Fort William, Fort Saint George, and Bombay, shall at any time be equally divided in opinion in respect to any matter depending before them, then and in every such case the said Governor General, or the Governor or President, as the case may be, shall have two voices, or the casting vote.

(D) And be it further enacted, That the Governor General and Council of Fort William aforesaid, shall have power and authority to superintend, control, and direct the several Presidencies and Governments now or hereafter to be erected or established in the East Indies by the said United Company, in all such points as relate to any transactions with the country powers, or to war or peace, or to the application of the revenues or forces of such presidencies and settlements in time of war, or any such other points as shall from time to time be specially referred by the Court of Directors of the said Company to their superintendence and control: and in order to prevent the embarrassment and difficulty which may arise from any question whether the orders or instructions of the Governor General and Council of Fort William relate to other points than those aforesaid, be it further enacted, That notwithstanding any doubt which may be entertained by the said presidencies or settlements to whom such orders or instructions shall be given, respecting the power of the Governor General and Council to give such orders, yet the said Presidencies or settlements shall be bound to obey such orders and directions of the said Governor General and Council in all cases whatever, except only where they shall have received positive orders and instructions from the said Court of Directors repugnant to the orders and instructions of the said Governor General and Council, and not known to the said Governor General and Council at the time of dispatching their orders and instructions as aforesaid: and the said Governor General and Council shall at the time of transmitting all such orders and instructions, transmit therewith the dates of, and the times of receiving the last dispatches, orders, and instructions which they have received from the Court of Directors on any of the points contained therein; and the said Presidencies and Governments in all cases where they have received any orders from the said Court of Directors as aforesaid, which they shall deem repugnant to the orders of the said Governor General and Council of Fort William, and which were not known to the said Governor General and Council at the time of dispatching their orders and instructions as aforesaid, shall forthwith transmit copies of the same, together with an account of all resolutions or orders made by them in consequence thereof, to the Governor General and Council of Fort William, who shall, after the receipt of the same, dispatch such farther orders and instructions to the said presidencies and settlements as they may judge necessary thereupon.

(E) And whereas very large sums of money appear to be due to British subjects by the Nabob of Arcot, in the recovery whereof it is expedient that such assistance should be given them as shall be consistent with the rights of the said United Company, the security of the creditors, and the honour and dignity of the said Nabob; Be it enacted, That the Court of Directors of the said Company shall, as soon as may be, take into consideration the origin and justice of the said demands, as far as the materials they are in possession of shall enable them to do; and that they shall give such orders to their presidencies and servants abroad for completing the investigation thereof as the nature of the case shall require, and

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for establishing, in concert with the said Nabob, such fund for the discharge of those debts which shall appear to be justly due, according to their respective rights of priority, as shall be consistent with the rights of the said United Company, the security of the creditors, and the honour and dignity of the said Nabob.

(F) And, for settling upon a permanent foundation the present indeterminate rights and pretensions of the Nabob of Arcot and the Rajah of Tanjour, with respect to each other; Be it further enacted by the authority aforesaid, That the Court of Directors of the said United Company shall take into their immediate consideration the said indeterminate rights and pretensions, and take and pursue such measures as in their judgement and discretion shall be best calculated to ascertain and settle the same, according to the principles and the terms and stipulations contained in the treaty of One thousand Seven hundred and Sixty-two, between the said Nabob and the said Rajah.

(G) And whereas complaints have prevailed that divers Rajahs, Zemindars, Polygars, Talookdars, and other native landholders within the British territories in India, have been unjustly deprived of or compelled to abandon and relinquish their respective lands, jurisdictions, rights and privileges, or that the tributes, rents, and services required to be by them paid for their respective possessions to the said United Company, are become greivous and oppressive: And whereas the principles of justice and the honour of this Country require that such complaints should be forthwith inquired into and fully investigated, and if founded in truth, effectually redressed; Be it therefore enacted, That the Court of Directors of the said United Company shall, and they are hereby accordingly required forthwith to take the said matters into their serious consideration, and to adopt, take and pursue such methods for inquiring into the causes, foundation and truth of the said complaints, and for obtaining a full and perfect knowledge of the same, and of all circumstances relating thereto, as the said Court of Directors shall think best adapted for that purpose; and thereupon, according to the circumstances of the respective cases, of the said Rajahs, Zemindars, Polygars, Talookdars, and other native landholders, to give orders and instructions to the several Governments and Presidencies in India, for effectually redressing in such manner, as shall be consistent with justice and the laws and customs of the country, all injuries and wrongs which the said Rajahs, Zemindars, Polygars, Talookdars, and other native landholders may have sustained unjustly in the manner aforesaid; and for settling and establishing upon principles of moderation and justice, according to the laws and constitution of India, the permanent rules by which their respective tributes, rents and services shall be in future rendered and paid to the said United Company by the said Rajahs, Zemindars, Polygars, Talookdars, and other native landholders.

(H) And be it further enacted by the authority aforesaid, That in case of the sickness of any such person or persons as by this act are required within two month after their respective arrival in Great Britain, to give in an inventory of their respective effects, it shall and may be lawful to and for any Baron of the said Court of Exchequer, upon proof of such sickness made to their satisfaction, from time to time to grant such farther time for giving in such inventory, as the said Court shall in their direction think fit.

(I) And whereas it may happen that persons engaged in trade in India may by sickness be obliged to leave India so suddenly as to put it out of their power so to settle their affairs as to be able to give in the inventory by this act required within two months after their arrival; Be it further enacted by the authority aforesaid,

That upon proof of such fact, to the satisfaction of any Baron of the Court of Exchequer, it shall and may be lawful for the said Court to grant such farther time for delivering in such inventory, as the nature of the cases respectively shall to them appear to require.

(K) And be it further enacted, That if any person or persons against whom any Information shall be exhibited under the authority of this act, shall neglect or refuse within such respective times as shall be allowed to him or them for those purposes, by the rules, or according to the discretion of the said Court, to appear and plead not guilty to such Information; it shall and may be lawful for His Majesty's Attorney General, or other prosecutor, to cause an appearance, and the plea of not guilty, to be entered for such person or persons, and the said Information shall thereupon proceed as if the party or parties had appeared and pleaded not guilty thereto.

(L) And be it further enacted, That the senior of the said three Judges present at the respective meetings of the said Commissioners shall be the President of such meeting or meetings, and that all questions, resolutions and determinations before the said Commissioners shall be by a majority of voices of the Commissioners then and there present, and if the voices shall be equal, the then President shall have a second or casting voice.

(M) and be it further enacted, That the Members of the House of Commons hereby directed to be named by that House for the purposes aforesaid, shall be chosen, nominated and appointed in the manner following: That is to say, that at any time within thirty days from the commencement of the next, and every future session of Parliament (and after the Speaker of the said House shall have taken the Chair) when there shall be two hundred Members present in the House after four of the clock in the afternoon, it shall and may be lawful for any Member to require that the doors of the House shall be locked, and the House shall thereupon proceed to deliver in at the table, lists of forty Members each, which lists being delivered in, shall be referred to a Committee, who shall report to the House the names of all such Members as shall be returned on twenty of such lists, and if the names so returned shall not amount to forty at the least, the Members present shall be required to deliver in fresh lists, each list containing a number of names equal to that number by which the list returned shall fall short of forty, and so as often as the case shall happen.

(N) Provided always, and be it enacted, That if any of the persons named in such lists shall appear to the said Committee to hold any civil office of profit under the Crown during His Majesty's pleasure, or being or having been Members of the said Board for the affairs of India, or being or having been a Director of the said Company, or holding or having held any office or employment in the service of the said Company in India, all and every of such persons shall be struck out of the said lists, and shall not be returned to the House by the said Committee.

(O) Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any seven or more of them (of whom one of the said three Judges at the least shall always be one) to hear and determine every such Information, and from time to time to adjourn as they shall think fit; and in case the number of the said Commissioners shall, before the said commission shall have been fully executed, depart this life, or be rendered incapable of acting, so that the number of the said Commissioners shall be reduced to six; or if all the said three Judges should happen to die or be rendered incapable of acting, whilst the said commission

commission shall be depending, then and in either of such cases, and from thenceforth, the said commission and the force and effect thereof shall cease, and a new commission shall be awarded for hearing the matter of such information for which such former commission was issued, and the proceedings therein shall begin de novo, save only and except with respect to the examination or deposition of any witnesses (if any) which shall have been taken in writing under the said former commission, which examination or deposition shall and may be received and admitted as evidence under such new commission.

(P) And be it further enacted, That the said Commissioners shall nominate and appoint a fit and proper person or persons to act as their Register or Registers in the execution of the said commission; and when and so soon as the said Commission shall have been fully executed, the said commission, and the Information and plea, and the judgement had thereupon, and all the depositions and examinations, and other proceedings concerning the premises, shall be delivered over by such Register or Registers unto the Clerk of the Crown in the Court of the King's Bench, to be kept and recorded in that Court.

(Q) And be it further enacted by the authority aforesaid, That Subpoenas, requiring the attendance before the Commissioners to act as their Register or Registers, of any witness or witnesses, as or on behalf of any person or persons prosecuted under the authority of this act, may be issued out of the Crown Office of the Court of King's Bench; and in case any witness having due notice of such Subpoena, shall not attend in obedience to such Subpoena, his non-attendance shall be deemed a misdemeanor, and subject him to be indicted; and in case any such witness shall attend, but shall refuse to be examined, it shall and may be lawful for the said Commissioners to punish such witness by fine or imprisonment at their discretion.

(R) And be it further enacted, That the said Commissioners shall have full power and authority, by virtue of this act, to send for persons, papers and records, and to examine all witnesses who shall come or be brought before them, upon oath to be taken before them; and to cause the examinations of such witnesses, if they shall so think fit, to be reduced into writing, and to be signed and subscribed by such witnesses respectively; and if any person brought before the said Commissioners shall perjure in his evidence, or shall otherwise misbehave himself before the said Commissioners, the said Commissioners shall and may, if they shall so think fit, commit such person to the prison of the Fleet, or the gaol of Newgate, there to remain during the pleasure of the said Commissioners; and if any such witness shall wilfully give any false evidence before the said Commissioners, such witness shall be deemed guilty of wilful and corrupt perjury, and shall and may be indicted and punished for the same accordingly.

(S) And whereas the provisions made by former laws for the hearing and determining in England offences committed in India, have been found ineffectual, by reason of the difficulty of proving in this kingdom matters done there; Be it further enacted by the authority aforesaid, That in all cases of informations laid or exhibited by virtue of this act in the said Court of King's Bench for misdemeanors or offences committed in India, it shall and may be lawful for His Majesty's said Court, upon motion to be made on behalf of His Majesty's Attorney General or other prosecution or of the defendant or defendants, to award a writ or writs of Mandamus, requiring the Chief Justice and Judges of the Supreme Court at Fort William in Calcutta for the time being, or the Judges of the Mayor's Court of any of the British settlements in India, as the case may require, who are hereby respectively authorised and required accordingly to hold a Court with all convenient

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speed for the examination of witnesses and receiving other proofs concerning the matter charged in such Informations respectively; and in the mean time to cause such public notice to be given of the holding the said Court, and to issue such summons or other proof as may be requisite for the attendance of witnesses, and of the Agents or Council of all or any of the parties respectively, and to adjourn from time to time as occasion may require; and such examination as aforesaid shall be then and there openly and publicly taken *viva voce* in the said Court, upon the respective oaths of witnesses, and the oaths of skilful interpreters, administered according to the forms of their several religions, and shall, by some sworn officer of such Court, be reduced into one or more writing or writings, on parchment, in case any duplicate or duplicates should be required by or on behalf of any of the parties interested, and shall be sent to His Majesty in his Court of King's Bench, closed up, and under the seals of two or more of the Judges of the said Supreme Court, and one or more of the Judges of the said Supreme Court shall deliver the same to the Agent or Agents of the party or parties requiring the same; which said Agent or Agents (or in case of his or their death, the person into whose hands the same shall come) shall deliver the same to one of the Clerks in court of His Majesty's Court of King's Bench, in the Public Office, and make oath that he received the same from the hands of one or more of the Judges of such Court in India (or if such Agent be dead, in what manner the same came into his hands) and that the same has not been opened or altered since he so received it (which said oath such Clerk in Court is hereby authorized and required to administer); and such depositions being duly taken and returned according to the true intent and meaning of this act, shall be allowed, and read before the said Commissioners, and shall be deemed as good and competent evidence as if such witness had been present, and sworn, and examined *viva voce* at any trial before the said Commissioners for such crimes or misdemeanors as aforesaid, any law or usage to the contrary notwithstanding; and all parties concerned shall be intitled to take copies of such depositions at their own costs and charges; and the Chief Justice of the said Court of King's Bench, or one of the Judges of the said Court, shall, with all convenient speed after the said deposition shall have been so received, together with the said Information and plea, be delivered over to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, who shall thereupon issue the commission under the Great Seal in the manner by this act directed.

(T) And be it further enacted by the authority aforesaid, That no prosecution in consequence of this act shall be commenced, unless within the space of three years after the return of the party prosecuted into Great Britain, or within three years after the delivery of the inventory or particulars required by this act.

(U) And, for avoiding any doubt which may arise, whether the office or place of a Commissioner of the said Board for the affairs of India, or if a Secretary to the said Board, be within any of the provisions contained in an act of the sixth year of the reign of Queen Anne, intituled, "An act for the security of Her Majesty's Person and Government, and of the succession of the Crown of Great Britain in the Protestant Line;" or whether the appointment of any such Commissioner or Secretary, being a Member or Members of the House of Commons, shall vacate his or their Seats in that House; Be it further enacted and declared, That the said respective offices, places or appointments of a Commissioner or Secretary of the Board for the affairs of India, to be made under the authority of this act, shall not be deemed or taken to be within the intent and purview of the said act of the said sixth year of the said Queen Anne.

sixth year of Queen Anne, whereby to disqualify any such Commissioner or Secretary from being elected, or sitting or voting as a Member of the House of Commons; nor shall the appointment of any such Commissioner or Secretary, if a Member or Members of the said House, vacate his or their seat or seats in the said House; any thing contained in the said act of the sixth year of Queen Anne, or in any other act to the contrary notwithstanding.

(W) Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to prejudice or affect the rights or claims of the Public or the said United Company respecting the said territorial acquisitions and revenues.

ADDITIONAL CLAUSES by the LORDS.

(A) To come in after the clause (L)

(A) And be it further enacted, That the members of the House of Peers hereby directed to be named by the said House for the purposes aforesaid, shall be chosen, nominated, and appointed in the manner following: (that is to say) That at any time within thirty days from the commencement of the next, and every future session of Parliament, when it shall appear that there are fifty Lords Spiritual and Temporal there present, the Lords shall be called, and if there are fifty present, the Lords shall thereupon proceed to deliver in at the table, lists, each of which lists shall contain the names of twenty-six Lords, and shall be signed by the Lord who delivers such list; which list being delivered in, shall be referred to a Committee of Lords to be by them appointed, who shall examine the said lists, and forthwith report to the House the name of every such Lord whose name shall appear on ten such lists; and if the names so returned shall not amount to twenty-six at the least, the Lords present shall be required to deliver in fresh lists, each list containing a number of names equal to that number by which the list returned shall fall short of twenty-six, and so as often as the case shall happen; and no Lord present when the House shall be called over, shall depart, until the said lists of twenty-six Peers shall be made as aforesaid.

(B) To come in after the clause (S)

(B) Provided always, and it is hereby further enacted, That no information or plea or deposition, which by this act is directed to be delivered over by the Chief Justice of the Court of King's Bench, or one of the Judges of the said Court, to the Lord High Chancellor, or Lord Keeper, or Lords Commissioners for the custody of the Great Seal of Great Britain, shall be so delivered over at any other time than during some one of the three usual and accustomed Terms herein after mentioned, that is to say, Hilary Term, Easter Term, or Michaelmas Term.

THE END,

